

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**NORMAN E. LACEY,** )  
                                )  
                                )  
**Plaintiff,**              )  
                                )  
                                )  
**v.**                         )           **CASE NO: 3:06-CV-1145-MEF**  
                               )  
                               )  
**CITY OF AUBURN,**        )  
                               )  
                               )  
**Defendant.**              )

**PLAINTIFF'S EVIDENTIARY SUBMISSION**

1. Exhibit #1-Plaintiff's EEOC Charge
2. Exhibit #2-Part 1-Plaintiff's Deposition  
                                Exhibit #2-Part 2-Plaintiff's Deposition
3. Exhibit #3-Plaintiff's Resume` and Water Certifications
4. Exhibit #4-Plaintiff's First Application
5. Exhibit #5-City of Auburn Welcome Documents
6. Exhibit #6-City of Auburn Benefits Docuemnts
7. Exhibit #7-City of Auburn Job Vacancy Posting
8. Exhibit #8-Opelika-Auburn News Advertisement
9. Exhibit #9-Lacey's Application for Water Distribution Position
10. Exhibit #10-Job Description for Water Distribution Manager (this is not the correct exhibit, please see Corrected Exhibit 10 which we be filed separately)

11. Exhibit #11-Lacey Applicant Evaluation Summary
12. Exhibit #12-Hildreth Applicant Evaluation Summary
13. Exhibit #13-Hildreth Application
14. Exhibit #14-City of Auburn In-house Termination Checklist
15. Exhibit #15-Certified Letter from City of Auburn Benefits Person
16. Exhibit #16-City of Auburn Employment at Will Disclaimer

Respectfully submitted,  
/s/Roderick T. Cooks  
Counsel for the Plaintiff

**OF COUNSEL:**

WINSTON COOKS, LLC  
The Penick Building  
319-17th Street North  
Birmingham, AL 35203  
Tel: (205)502-0970  
Fax: (205)251-0231  
email: [rcooks@winstoncooks.com](mailto:rcooks@winstoncooks.com)

**CERTIFICATE OF SERVICE**

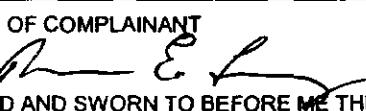
I hereby certify that I have served a copy of the foregoing document on all persons listed below by CMF/Electronic Mail:

Randall Morgan, Esq.  
Hilll, Hill, Carter, Franco,  
Cole & Black, P.C.  
425 South Perry Street  
Montgomery, Alabama 36104  
334-834-7600

Done this the 14th day of January, 2008.

/s/Roderick T. Cooks  
Of Counsel

# EXHIBIT 1

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
<small>This form is affected by the Privacy Act of 1974. See Privacy Act Statement before completing this form.</small>		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	4/20 2006 C 3522
and EEOC			
State or local Agency, if any			
NAME (Indicate Mr., Ms., Mrs.) Norman E. Lacey		HOME TELEPHONE (Include Area Code) (706) 518-4809	
STREET ADDRESS 5508 16 <sup>th</sup> Avenue		CITY, STATE AND ZIP CODE Valley, AL 36854	DATE OF BIRTH 08/10/1948
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Auburn WaterBoard		NUMBER OF EMPLOYEES, MEMBERS Over 15	TELEPHONE (Include Area Code)
STREET ADDRESS 1501 West Samford		CITY, STATE AND ZIP CODE Auburn, Alabama 36832	JUN 26 2006 COUNTY Lee
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIER	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify) ORIGIN		May 2006 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):  1998-188			
I was hired by the City of Auburn/Auburn Water Board (Respondent) in August of 1998 as Water Plant Operator. I worked in this position for approximately seven years when I was promoted to the position of Chief Operator. Prior to coming to work for the Respondent I had approximately 26 years of experience in the water utility business and possessed a Grade-4 Water Operators License and a Master Plumber's License. I have always performed my duties and responsibilities in an exemplary manner.			
II. In May of 2006, I was denied a promotion to a supervisory position that was awarded to a significantly less qualified and less experienced younger employee. Moreover, this employee was an outside hire.			
III. It is my belief that I was passed over for promotion because of my age, 57 years old, in violation of the ADEA.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements) I declare under penalty of perjury that the foregoing is true and correct.   Date _____	
Charging Party (Signature)		SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

# EXHIBIT 2

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE MIDDLE DISTRICT OF ALABAMA  
3           EASTERN DIVISION

4  
5 CIVIL ACTION NUMBER  
6 3:06-CV-1145-MEF

7  
8 NORMAN E. LACEY,  
9 Plaintiff(s),  
10 vs.  
11 CITY OF AUBURN,  
12 Defendant(s) .

13  
14  
15  
16           DEPOSITION TESTIMONY OF:  
17                 NORMAN E. LACEY

18  
19  
20 July 26, 2007  
21 10 AM  
22  
23 SELAH M. DRYER, CSR

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE MIDDLE DISTRICT OF ALABAMA  
 3 EASTERN DIVISION

5 CIVIL ACTION NUMBER  
 6 3:06-CV-1145-MEF

8 NORMAN E. LACEY,  
 9 Plaintiff(s),  
 10 vs.  
 11 CITY OF AUBURN,  
 12 Defendant(s).

16 DEPOSITION TESTIMONY OF:  
 17 NORMAN E. LACEY

20 July 26, 2007  
 21 10 AM  
 22  
 23 SELAH M. DRYER, CSR

1 S T I P U L A T I O N

2 IT IS STIPULATED AND AGREED by and  
 3 between the parties through their respective  
 4 counsel that the deposition of NORMAN E. LACEY,  
 5 may be taken before Selah M. Dryer, Notary  
 6 Public, State at Large, in the conference room  
 7 of the Human Resources Building, 144 Tichenor  
 8 Avenue, Suite 3, Auburn, Alabama, on July 26,  
 9 2007, commencing at approximately 10 AM.

10 IT IS FURTHER STIPULATED AND AGREED  
 11 that the signature to and the reading of the  
 12 deposition by the witness is waived, the  
 13 deposition to have the same force and effect as  
 14 if full compliance had been had with all laws  
 15 and rules of Court relating to the taking of  
 16 depositions.

17 IT IS FURTHER STIPULATED AND AGREED  
 18 that it shall not be necessary for any  
 19 objections to be made by counsel to any  
 20 questions, except as to form or leading  
 21 questions, and that counsel for the parties may  
 22 make objections and assign grounds at the time  
 23 of trial or at the time said deposition is

1 offered in evidence, or prior thereto.  
 2 In accordance with Rule  
 3 5(d) of the Alabama Rules of Civil Procedure, as  
 4 amended, effective May 15, 1988, I, Selah M.  
 5 Dryer, am hereby delivering to Randall Morgan,  
 6 Esq. the original transcript of the oral  
 7 testimony taken July 26, 2007, along with  
 8 exhibits.

9 Please be advised that this is the same  
 10 and not retained by the Court Reporter, nor  
 11 filed with the Court.

12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

2 I N D E X  
 3 EXAMINATION BY: PAGE NO.  
 4 Mr. Morgan 7  
 5 Mr. Cooks 221  
 6 Mr. Morgan 222  
 7 Certificate 229

8 INDEX OF EXHIBITS  
 9 EXHIBITS PAGE NO.  
 10 DEFENDANT(S) 1 208  
 11 PLAINTIFF(S) 1 221

12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

## 1 A P P E A R A N C E S

2 FOR THE PLAINTIFF(S):

3 Roderick T. Cooks, Esq.

4 Lee Winston, Esq.

5 WINSTON COOKS

6 The Penick Building

7 319 17th Street North Suite 200

8 Birmingham, Alabama 35203

10 FOR THE DEFENDANT(S):

11 Randall Morgan, Esq.

12 HILL, HILL, CARTER, FRANCO,

13 COLE &amp; BLACK, P.C.

14 425 South Perry Street

15 Montgomery, Alabama 36104

5

1 EXAMINATION BY MR. MORGAN:

2 Q. State your name, please.

3 A. Norman Lacey.

4 Q. Mr. Lacey, what is your date of  
5 birth?

6 A. August 10th, 1948.

7 Q. What is your Social Security  
8 Number?

9 A. 418-66-2239.

10 Q. Do you have a valid Alabama  
11 driver's license?

12 A. Yes, sir I do.

13 Q. What is that number?

14 A. I can look it up.

15 Q. Sure.

16 A. 2537095.

17 Q. Has your driver's license ever  
18 been suspended or revoked for any reason?

19 A. No, sir.

20 Q. Have you held a driver's license  
21 in any other states besides Alabama?

22 A. No, sir.

23 Q. Are you from Alabama?

7

1 I, Selah M. Dryer, a Notary Public for  
 2 the State of Alabama at Large, acting as  
 3 Commissioner, certify that on this date,  
 4 pursuant to the Alabama Rules of Civil  
 5 Procedure, and the foregoing stipulation of  
 6 counsel, there came before me in the conference  
 7 room of the Human Resources Building, 144  
 8 Tichenor Avenue, Suite 3, Auburn, Alabama,  
 9 commencing at approximately 10 AM on July 26,  
 10 2007, NORMAN E. LACEY, witness in the above  
 11 cause, for oral examination, whereupon the  
 12 following proceedings were had:

13  
 14 NORMAN E. LACEY,  
 15 being first duly sworn, was examined and  
 16 testified as follows:

17  
 18 COURT REPORTER: Usual  
 19 stipulations?

20 MR. MORGAN: Sure.

21 MR. COOKS: We would like to  
 22 read and sign -- well, no, don't worry about it.

23 COURT REPORTER: Okay.

6

1 A. Yes, sir.

2 Q. Where are you from?

3 A. Originally born in Prichard,  
4 Alabama.

5 Q. Are you married?

6 A. I'm divorced.

7 Q. How many ex-wives do you have?

8 A. One.

9 Q. What is her name?

10 A. Sheila.

11 Q. Is her last name still Lacey?

12 A. I don't know.

13 Q. Where does she live?

14 A. I am not certain of that.

15 Q. Where is the last place that you  
16 know she lived?

17 A. In Mobile, Alabama.

18 Q. What years were y'all married?

19 A. From 1972 until 1998 -- '99 I  
20 believe.21 Q. Where were you living when you got  
22 divorced?

23 A. I was living in Demopolis,

8

1 Alabama.  
 2 Q. Was the divorce there in Marengo  
 3 County?  
 4 A. No, sir. She was living in  
 5 Mobile. I was living in Demopolis.  
 6 Q. So your divorce was in Mobile?  
 7 A. Yes, sir.  
 8 Q. Did you have an attorney that  
 9 represented you?  
 10 A. No, sir.  
 11 Q. Did she have an attorney?  
 12 A. Yes, sir.  
 13 Q. Do you remember his name?  
 14 A. No, sir.  
 15 Q. Do you have any children?  
 16 A. Yes, sir.  
 17 Q. What's the oldest one's name?  
 18 A. Dorothy Heinz.  
 19 Q. H-I-N-D?  
 20 A. H-E-I-N-Z, sir.  
 21 Q. Where does she live?  
 22 A. Memphis.  
 23 Q. How old is she?

1 A. She's 29.  
 2 Q. Is her husband from Alabama?  
 3 A. No, sir.  
 4 Q. Did you have any other children  
 5 besides Dorothy?  
 6 A. Yes, sir.  
 7 Q. How long has she lived in Memphis?  
 8 A. About 2001, I believe, but I'm not  
 9 certain of that.  
 10 Q. What's your next child?  
 11 A. Lori.  
 12 Q. L-A-U-R --  
 13 A. L-O-R-I.  
 14 Q. What's Lori's last name?  
 15 A. Lacey.  
 16 Q. L-A-C-E-Y. Where does she live?  
 17 A. Memphis.  
 18 Q. How old is she?  
 19 A. She is 26.  
 20 Q. Do you have any more children?  
 21 A. Yes, sir.  
 22 Q. What's their name?  
 23 A. Jennifer.

9 1 Q. I'm going to let you spell that  
 2 one.  
 3 A. J-E-N-N-I-F-E-R.  
 4 Q. What's her last name?  
 5 A. Lacey.  
 6 Q. How old is she?  
 7 A. 24.  
 8 Q. Where does she live?  
 9 A. Mobile.  
 10 Q. Any other children?  
 11 A. No, sir.  
 12 Q. What is your current address?  
 13 A. 5508 16th Avenue in Valley,  
 14 Alabama 36854.  
 15 Q. How long have you had that  
 16 residence?  
 17 A. Three-and-a-half years.  
 18 Q. Does anybody live there with you?  
 19 A. No, sir.  
 20 Q. Has anybody ever lived there with  
 21 you?  
 22 A. No, sir.  
 23 Q. Where did you live before Valley,

10 1 A. Alabama?  
 2 A. I had an apartment on Rocky Brook  
 3 Road in Opelika.  
 4 Q. How long did you live there?  
 5 A. About five or six years.  
 6 Q. Anybody live with you in that  
 7 apartment?  
 8 A. No, sir.  
 9 Q. Where did you live before that?  
 10 A. Demopolis, Alabama.  
 11 Q. How long did you live in  
 12 Demopolis?  
 13 A. About three years.  
 14 Q. Where did you live before  
 15 Demopolis?  
 16 A. I lived in Jackson, Alabama for  
 17 about a year.  
 18 Q. And before Jackson where did you  
 19 live?  
 20 A. Mobile.  
 21 Q. Do you have any family members,  
 22 relatives by blood or marriage that live in  
 23 Chambers County?

1 A. No.  
 2 Q. How about in Lee County?  
 3 A. No.  
 4 Q. How about in Lee County, any  
 5 relatives by blood or marriage?  
 6 A. No.  
 7 Q. Any relatives by blood or marriage  
 8 in Macon County?  
 9 A. Not that I'm aware of.  
 10 Q. Do you have any relatives by blood  
 11 or marriage in Randolph County?  
 12 A. Not that I'm aware of.  
 13 Q. Do you have any relatives by blood  
 14 or marriage in Russell County?  
 15 A. Not that I'm aware of.  
 16 Q. Do you have any relatives by blood  
 17 or marriage in Tallapoosa County?  
 18 A. No, sir.  
 19 Q. Do you attend, or are you a member  
 20 of a church in any of those counties I just  
 21 listed: Chambers, Lee, Macon, Randolph, Russell  
 22 or Tallapoosa Counties?  
 23 A. I have occasionally attended

13 1 friends that live in those counties?  
 14 2 A. Tony Embrey.  
 15 3 Q. E-M-B-R-Y?  
 16 4 A. E-M-B-R-E-Y.  
 17 5 Q. Where does he live?  
 18 6 A. She.  
 19 7 Q. She?  
 20 8 A. She lives in Chambers County.  
 21 9 Q. What city?  
 22 10 A. Valley.  
 23 11 Q. How old is she, approximately?  
 12 A. 53 or 54, I think -- I'm not  
 13 certain.  
 14 Q. Is she employed?  
 15 A. She's retired.  
 16 Q. From where?  
 17 A. I don't know.  
 18 Q. Do y'all have a romantic  
 19 relationship or friends?  
 20 A. We are friends. We have a  
 21 business relationship: She looks after some of  
 22 my affairs.  
 23 Q. Any other people that you would

14 1 services in Chambers County. I don't consider  
 2 myself to be a member.  
 3 Q. What church?  
 4 A. The Catholic Church there, and I  
 5 don't recall the name of it right offhand.  
 6 Q. What city is that in?  
 7 A. It's in Lanett, Alabama.  
 8 Q. Other than the Catholic Church and  
 9 Lanett, have you attended any churches in any of  
 10 those counties that I named -- any other  
 11 churches?  
 12 A. Other than Marengo County, no,  
 13 sir.  
 14 Q. Are you a member of any clubs,  
 15 civic, social, political organizations or have  
 16 you been in Chambers, Lee, Macon, Randolph,  
 17 Russell or Tallapoosa Counties?  
 18 A. No, sir.  
 19 Q. Do you have any close friends,  
 20 people you would consider to be close friends  
 21 that live in any of those counties?  
 22 A. Yes, sir.  
 23 Q. Who would you consider to be close

16 1 consider to be close friends living in any of  
 2 those counties?  
 3 A. No, sir.  
 4 Q. How frequently do you know,  
 5 actually physically stay at the house on 16th  
 6 Avenue Valley?  
 7 A. Well when I'm not out of the  
 8 country, that's where I stay.  
 9 Q. Other than this lawsuit where you  
 10 have sued the City of Auburn, have you sued or  
 11 been a plaintiff in any other lawsuits?  
 12 A. No, sir.  
 13 Q. Have you ever been sued yourself?  
 14 A. No, sir.  
 15 Q. Have you ever made any claims  
 16 against anybody, or any company, or any business  
 17 that you have been wronged that did not result  
 18 in a lawsuit?  
 19 MR. COOKS: Object to the  
 20 form.  
 21 A. I have complained about goods and  
 22 services from time to time.  
 23 Q. (Mr. Morgan) I guess what I'm

1 asking you is like if you were in a wreck and  
 2 you made a claim with an insurance company and  
 3 reached some settlement to avoid a lawsuit or  
 4 anything like that?

5 A. No, sir.

6 Q. Have you ever filed any other  
 7 claims with the EEOC?

8 A. No, sir.

9 Q. Ever had any Worker's Comp claims?

10 A. I have never been paid Workman's  
 11 Comp -- I've had minor injuries at work.

12 Q. Were they reported as Worker's  
 13 Comp claims?

14 A. Yes, sir.

15 Q. Where were you working at the  
 16 time?

17 A. In Demopolis and in Mobile.

18 Q. And in Demopolis you worked with  
 19 Professional Services Group?

20 A. That's correct.

21 Q. Who in Mobile were you working  
 22 with when you had Worker's Comp claim?

23 A. Mobile County Water Sewer and Fire

17

1 in a lawsuit with another firm.

2 Q. What company was that?

3 A. Mobile County Water.

4 Q. What was the nature of that  
 5 litigation?

6 A. It was a water boundary dispute  
 7 between them and the Mobile Water Service  
 8 System.

9 Q. What was the purpose of your  
 10 deposition?

11 A. I was the manager at the time.

12 I'm not sure why they interviewed me, I had no  
 13 knowledge of the contracts except as it existed  
 14 at the time.

15 Q. Have you ever been arrested?

16 A. No, sir.

17 Q. Ever been convicted of any crimes?

18 A. No, sir.

19 Q. Ever been in jail?

20 A. No, sir.

21 Q. You graduated from high school?

22 A. Yes, sir.

23 Q. From where?

19

1 Protection Authority.

2 Q. Have you ever had an unemployment  
 3 compensation claim?

4 A. Yes, sir.

5 Q. Who was that with?

6 A. Professional Services Group.

7 Q. Did you get benefits?

8 A. Yes, sir.

9 Q. Why did you leave that employment?

10 A. I was told the project was to be  
 11 closed down, they didn't need me any more.

12 Q. How long did you draw unemployment  
 13 compensation?

14 A. About four months -- three or four  
 15 months, I don't recall for sure.

16 Q. Did you have any jobs between  
 17 leaving Professional Services Group and being  
 18 hired by the Auburn Water Board?

19 A. No, sir.

20 Q. Have you given a deposition on any  
 21 other occasion?

22 A. I have given a deposition in a  
 23 case where the people I worked for were involved

18

1 A. Vigor High School in Prichard.

2 Q. Do you have any education above  
 3 high school?

4 A. Yes, sir.

5 Q. Where is that from, Faulkner?

6 A. Yes, sir.

7 Q. Is that a two-year school?

8 A. Yes, sir.

9 Q. Do you have a degree or

10 certificate from there?

11 A. A degree, yes, sir.

12 Q. What's it in?

13 A. Water and waste water management.

14 Q. When did you receive that?

15 A. I believe it was 1990 -- may have  
 16 been '89.

17 Q. So you graduated from high school,  
 18 worked, and then went back to Faulkner?

19 A. That's correct.

20 Q. Do you have any formal education  
 21 beyond Faulkner?

22 A. I have attended some college

23 classes -- I don't have a college degree.

20

1 Q. What college classes: Where?  
 2 A. University of South Alabama.  
 3 Q. Were you formally enrolled?  
 4 A. Yes, sir.  
 5 Q. What years were you at South  
 6 Alabama?  
 7 A. '73 to '75 I think.  
 8 Q. What was your course of study?  
 9 A. Civil engineer.  
 10 Q. And I think you hold several  
 11 certificates?  
 12 A. Yes, sir.  
 13 Q. What certificates do you hold?  
 14 A. I hold a certificate in water  
 15 treatment, highest available. Waste water  
 16 treatment, highest available -- and a master  
 17 plumber's license.  
 18 Q. When did you get the -- is it  
 19 called a grade four waters operators  
 20 certificate?  
 21 A. I believe.  
 22 Q. When did you receive it?  
 23 A. 1991, I think.

21 1 A. Water is essentially a chemical  
 2 treatment process and waste water is generally  
 3 biological.  
 4 Q. And then have you have your master  
 5 plumber's license?  
 6 A. Yes, sir.  
 7 Q. When did you receive that?  
 8 A. 1994, I believe.  
 9 Q. What's the criteria for receiving  
 10 that?  
 11 A. Certain experience and exam.  
 12 Q. Did you pass the exam the first  
 13 time?  
 14 A. Yes, sir.  
 15 Q. Now are these certificates through  
 16 the State?  
 17 A. Yes, sir.  
 18 Q. Any other certificates that you  
 19 hold?  
 20 A. No, sir.  
 21 Q. Where are you currently employed?  
 22 A. Brown and Root -- Kellogg, Brown  
 23 and Root.

22 1 Q. What do you have to do: Is there  
 2 a test you take, or just a application? What do  
 3 you do to get that certificate?  
 4 A. You have to have so many years of  
 5 experience depending on the level of the  
 6 certificate, and you have to pass the written  
 7 exam.  
 8 Q. Did you pass the written exam the  
 9 first time?  
 10 A. Yes, sir.  
 11 Q. When did you receive your waste  
 12 water certificate?  
 13 A. 1973, I believe.  
 14 Q. What was the criteria for that?  
 15 A. Same.  
 16 Q. Had to pass a written exam?  
 17 A. Yes, sir, experience and written  
 18 exam.  
 19 Q. Did you pass the written exam on  
 20 the first occasion?  
 21 A. Yes, sir.  
 22 Q. What's the difference in a water  
 23 and a waste water certificate?

24 1 Q. Where is their home office?  
 2 A. Houston, Texas, I believe, but  
 3 there was some discussion about it moving to  
 4 Dubai, and I'm not sure if it has or not.  
 5 Q. Where would your personnel file  
 6 be?  
 7 A. I would assume it's in Houston.  
 8 Q. 601 Jefferson Street, Houston,  
 9 Texas -- does that sound right?  
 10 A. I don't really know the address.  
 11 Q. Did you go there to apply for that  
 12 position?  
 13 A. I applied over the Internet.  
 14 Q. How did you hear about that  
 15 position?  
 16 A. A friend that had worked for them  
 17 mentioned it to me that he had just gotten back  
 18 from Afghanistan, I believe it was.  
 19 Q. Who is your friend?  
 20 A. Well, I say a friend -- he's a man  
 21 that I had coffee with from time to time at one  
 22 of the local restaurants and I really only know  
 23 him as Mr. Brown.

1 Q. Do you remember what day you  
 2 applied for the position with Kellogg, Brown and  
 3 Root?

4 A. No, sir.

5 Q. Do you still have a copy of your  
 6 application?

7 A. It was filed over the Internet. I  
 8 don't believe I had a written application until  
 9 I went to Houston.

10 Q. Did you keep it in a folder, or  
 11 save it, or anything like that?

12 A. No, sir.

13 Q. When you applied for that  
 14 position, did you know that a lot of work was  
 15 overseas?

16 A. Yes, sir.

17 Q. Did you specifically apply to work  
 18 at one of the overseas projects?

19 A. Yes, sir.

20 Q. Why did you apply to work  
 21 overseas?

22 A. Well, I was in an unattainable  
 23 position where I was and I had to get away from

25

1 Q. Did you fly or drive?

2 A. Flew.

3 Q. What airline?

4 A. Continental.

5 Q. Out of where?

6 A. Atlanta.

7 Q. Did you pay cash or charge your  
 8 ticket?

9 A. Ticket was purchased for me by the  
 10 company.

11 Q. Did you have any orientation  
 12 session before you began working on July 18th?

13 A. Yes, sir.

14 Q. When did you have an orientation  
 15 session?

16 A. I think there were two days of  
 17 orientation before the 18th, I believe that's  
 18 correct.

19 Q. Now if I remember -- and you  
 20 correct me -- you took a couple of weeks of  
 21 vacation from the City?

22 A. I took one week.

23 Q. Where did you spend that week?

26

1 it.

2 Q. Well, did you make any application  
 3 for any positions or jobs stateside?

4 A. No, sir, I didn't.

5 Q. So the only place that you applied  
 6 was Kellogg, Brown and Root?

7 A. That was the first place I  
 8 applied, yes, sir.

9 Q. Did you apply anywhere after that?

10 A. No, sir.

11 Q. And that's the only position  
 12 you've held since leaving the water board?

13 A. That's correct.

14 Q. What day did you start working  
 15 with -- what's your official first day of work  
 16 with Kellogg, Brown and Root?

17 A. I believe it's July the 18th,  
 18 2006.

19 Q. Where was your first day of work?

20 A. In Houston.

21 Q. What day did you arrive in Houston  
 22 to begin working on July 18th?

23 A. I don't recall.

27

1 A. Houston.

2 Q. Did you have an interview that  
 3 week, or were you hired over the Internet?

4 A. I had an interview.

5 Q. Did you return to Alabama at all?

6 A. No, sir.

7 Q. So when you left Alabama on your  
 8 vacation you anticipated or assumed you were  
 9 going to get that job with Kellogg, Brown and  
 10 Root?

11 A. I went there to apply for the  
 12 job -- I didn't assume I was going to get it.

13 Q. But you just remained in Houston  
 14 during that week?

15 A. When I got the job I remained,  
 16 yes, sir.

17 Q. How long did you stay in Houston  
 18 before you left the country?

19 A. I believe I left the 19th, may  
 20 have been the 20th, I'm not certain -- I believe  
 21 it was the 19th.

22 Q. So you, I assume, flew out of  
 23 Houston?

28

1 A. Yes.  
 2 Q. To where?  
 3 A. To Baghdad eventually.  
 4 Q. Did you fly commercial or company  
 5 plane?  
 6 A. It was all commercial. The last  
 7 leg was charted.  
 8 Q. What airline did you fly  
 9 commercially?  
 10 A. Continental.  
 11 Q. Where did you get the chartered  
 12 flight?  
 13 A. In Dubai.  
 14 Q. And flew from there to Baghdad?  
 15 A. Yes, sir.  
 16 Q. Well when you left to go to  
 17 Houston for the job interview, did you pack up  
 18 and have all of your stuff ready in case you  
 19 left immediately to go to Iraq?  
 20 A. I had a bag packed. I was on  
 21 vacation. I did have clothing with me.  
 22 Q. How were you advised about the job  
 23 interview: Somebody call you, did you call  
 30 somebody over the Internet?  
 1 A. Part of it was done -- most of it  
 2 was done over the Internet. There was some  
 3 telephone calls also.  
 5 Q. What is your job position?  
 6 A. I am a waste water operator.  
 7 Q. So is it fair to say that there  
 8 was never a time that you were unemployed  
 9 between the Auburn Water Board and Kellogg,  
 10 Brown and Root?  
 11 A. I went from one job to the next,  
 12 that's true.  
 13 Q. As a waste water operator, are you  
 14 there in Baghdad?  
 15 A. I have spent a lot of time in  
 16 Baghdad and I've gone to other locations also.  
 17 Q. Is what I would call your office,  
 18 is it primarily in Baghdad?  
 19 A. No, sir.  
 20 Q. Where is it?  
 21 A. There isn't.  
 22 Q. Do you have an office?  
 23 A. No, sir, there is no office.

29 1 Q. Other than Baghdad, where else do  
 2 you operate as a waste water operator? What  
 3 other cities?  
 4 A. Well, I wouldn't say cities --  
 5 forward operating bases -- and I'm not really  
 6 sure that -- I'm afraid to give any details for  
 7 it, but forward operating bases.  
 8 Q. What are your duties as a waste  
 9 water operator?  
 10 A. First of all, I spend a lot of  
 11 time producing drinking water -- that's been  
 12 part of my duty and at times treating waste  
 13 water.  
 14 Q. Are your duties different with  
 15 Kellogg, Brown and Root than they were with the  
 16 City of Auburn?  
 17 A. They are different in particulars,  
 18 they are of the same nature: Water production,  
 19 but we use different methods.  
 20 Q. As the chief operator with Auburn,  
 21 were you involved with waste water treatment?  
 22 A. No, sir.  
 23 Q. Yours was drinking water?  
 30 1 A. That's correct.  
 2 Q. Whereas with Kellogg, Brown and  
 3 Root you are involved with waste water?  
 4 A. That's correct.  
 5 Q. And drinking water, both?  
 6 A. That's correct.  
 7 Q. Do you have a supervisor there or  
 8 are you the supervisor?  
 9 A. I am not the supervisor. I have a  
 10 number of supervisors depending on what location  
 11 I'm at.  
 12 Q. How long do you stay gone at a  
 13 time?  
 14 A. Well, I'm eligible for an R and R  
 15 every 120 days -- I don't always take an R and R  
 16 120 days.  
 17 Q. So how many times have you  
 18 returned to the states since July 19th of 2006?  
 19 A. This is my first time.  
 20 Q. When you are eligible for an R and  
 21 R -- what period of time are you eligible for,  
 22 how long?  
 23 A. 10 days -- 10 days of paid leave.

1 Q. When you did not return stateside  
 2 on the other occasions when you were eligible,  
 3 did you still get 10 days off, 10 days paid  
 4 leave and go somewhere else, or do you get paid  
 5 overtime, or how does that work?

6 A. I took 10 days and went somewhere  
 7 else.

8 Q. So you have always taken your 10  
 9 days?

10 A. I have taken 10 days, not on 120  
 11 days interval, but I have taken 10 days on two  
 12 other occasions.

13 Q. Where did you go on those  
 14 occasions?

15 A. Australia.

16 Q. Both times?

17 A. Yes, sir.

18 Q. Do you have family and friends in  
 19 Australia?

20 A. Friends.

21 Q. I'm going to get into the job in  
 22 Iraq a little bit later. Let me be clear  
 23 though -- I understand: You knew when you

1 applied for that job that it was in Iraq?  
 2 A. I knew that the job was either  
 3 going to be -- it was going to be somewhere in  
 4 the middle east.

5 Q. And that's a job that you  
 6 voluntarily agreed to take?

7 A. Yes, sir. I took the -- no one  
 8 forced me to take the job.

9 Q. I mean, you knew it was not a  
 10 stateside job, it was going to be somewhere in  
 11 the middle east?

12 A. That's correct.

13 Q. Other than Iraq and Afghanistan,  
 14 does Kellogg, Brown and Root have any other  
 15 projects going on in the middle east?

16 A. Yes, sir.

17 Q. That you would be eligible to work  
 18 for?

19 A. Yes, sir.

20 Q. Where are they?

21 A. Kuwait. There are others, I don't  
 22 know specifics.

23 Q. How did you wind up in Iraq? Did

33

1 you volunteer for Iraq?

2 A. I was assigned.

3 Q. So when you were hired on they  
 4 could assign you where you were needed, but you  
 5 knew it would be in the middle east?

6 A. That's correct.

7 Q. I took your application and I made  
 8 a list of the places that you listed that you  
 9 had worked, and I want to go through them with  
 10 you and ask you some specifics about them. The  
 11 first place that you have listed was Mobile  
 12 Water System where you were an operator.

13 A. That's correct.

14 Q. Approximately what years was that?

15 A. 1970 to 1973 or '74 I believe,  
 16 sir.

17 Q. And you were an operator there?

18 A. Yes, sir.

19 Q. Was there any similarity between  
 20 that job with the Mobile Water System and your  
 21 position with the Auburn Water Board?

22 A. They were both water-related jobs.

23 Q. Did you have any supervisory

34

1 authority at the Mobile Water System?

2 A. I supervised only my shift.

3 Q. How many would have been on your  
 4 shift?

5 A. Just one other man.

6 Q. What would that person's position  
 7 have been that you supervised?

8 A. He would have been an operator's  
 9 assistant or an operator himself, trainee  
 10 possibly -- they are different people from time  
 11 to time.

12 Q. Would that be somebody that's  
 13 permanently assigned to your shift, or if  
 14 somebody needed training they may work with you  
 15 on job training for a period of time and then  
 16 move on to something else?

17 A. That's possible.

18 Q. Did you generally work that shift  
 19 by yourself as an operator?

20 A. No, sir.

21 Q. You almost always had somebody  
 22 with you?

23 A. Yes, sir.

35

36

1 Q. And you would supervise that one  
2 person?  
3 A. Yes, sir.  
4 Q. Well, when you were first hired,  
5 did somebody supervise you that you worked with?  
6 A. Yes, sir.  
7 Q. How long would you have worked  
8 with somebody?  
9 A. Three or four months.  
10 Q. Now, did you do any budgeting?  
11 Have any budgeting responsibilities for the  
12 Mobile Water System?  
13 A. No, sir.  
14 Q. Did you have any administrative  
15 responsibilities?  
16 A. No, sir.  
17 Q. Did you do any scheduling?  
18 A. No, sir.  
19 Q. Why did you leave that position?  
20 A. I was attending college.  
21 Q. You left there to go to school  
22 full-time?  
23 A. Yes, sir.

37

1 Q. Did you have any administrative  
2 responsibilities at Prichard?  
3 A. No, sir.  
4 Q. Were you in charge of the  
5 scheduling at Prichard?  
6 A. No, sir.  
7 Q. And I assume you didn't have any  
8 authority to discipline employees?  
9 A. No, sir.  
10 Q. Why did you leave Prichard?  
11 A. Got an offer in Saraland.  
12 Q. How large a system was the Mobile  
13 Water System in '70 and '74 compared to the  
14 Auburn Water Board System when you worked at  
15 Auburn?  
16 A. I believe the Mobile Water Service  
17 water was probably making about thirty million  
18 gallons a day. I think when I left Auburn it  
19 was problem making eight, average.  
20 Q. Eight?  
21 A. Six to eight.  
22 Q. How many employees total would  
23 there have been in Mobile?

39

1 Q. And then your next position was  
2 with the, according to this -- and you correct  
3 me if I'm wrong -- the City of Saraland.  
4 A. I believe I worked for the City of  
5 Prichard before that.  
6 Q. Okay. What did you do for the  
7 City of Prichard?  
8 A. Shift operator.  
9 Q. Is that similar to what you did at  
10 Mobile?  
11 A. Yes, sir.  
12 Q. Any significant difference in the  
13 responsibilities?  
14 A. No, sir.  
15 Q. What years were you at Prichard?  
16 A. 1974 to 1975, I believe and maybe  
17 '76, I'm not sure.  
18 Q. Did you supervise anybody at  
19 Prichard?  
20 A. No, sir.  
21 Q. Did you have any budget  
22 responsibilities at Prichard?  
23 A. No, sir.

38

1 A. Don't know.  
2 Q. How large was the Prichard system?  
3 A. I don't really have a lot of  
4 information on it.  
5 Q. Just generally what years did you  
6 work with Saraland?  
7 A. '76 to 1979.  
8 Q. Why did you leave there?  
9 A. I got a better job offer at Lake  
10 Forest Utilities.  
11 Q. What was your position at  
12 Saraland?  
13 A. I was the sewer manager, or sewer  
14 superintendent actually.  
15 Q. That was a waste water?  
16 A. Yes, sir, that was waste water.  
17 Q. Did you have any supervisory  
18 responsibilities?  
19 A. Yes, sir.  
20 Q. How many people?  
21 A. 224.  
22 Q. Who would you have reported to?  
23 A. Mary Potter was the City Clerk at

40

1 the time.  
 2 Q. Was there a parallel or a  
 3 comparable position on the water side?  
 4 A. The water board was a separate  
 5 entity from myself.  
 6 Q. You worked actually for the City  
 7 of Saraland?  
 8 A. That's correct.  
 9 Q. And administratively reported to  
 10 the clerk?  
 11 A. That's correct.  
 12 Q. Were you responsible for budgeting  
 13 of the waste water department?  
 14 A. Yes, sir.  
 15 Q. And administratively, what  
 16 responsibilities did you have as a sewer  
 17 superintendent?  
 18 A. Well, reporting -- reporting not  
 19 only to the city administration but to state and  
 20 federal agencies.  
 21 Q. Were you responsible for  
 22 scheduling employees' work?  
 23 A. Yes, sir.

1 Q. Could you discipline employees or  
 2 could you only recommend that, too -- how did  
 3 that work?  
 4 A. I can only recommend that.  
 5 Q. And then it would go up to the  
 6 town clerk or the city clerk?  
 7 A. Essentially.  
 8 Q. Who else was in the chain of  
 9 command?  
 10 A. The mayor.  
 11 Q. And that was two to four  
 12 employees, and that was on the waste water sewer  
 13 side?  
 14 A. Correct.  
 15 Q. And then at Lake Forest Utility,  
 16 which I have a note on it's in Daphne.  
 17 A. That's correct. It's no longer --  
 18 it was a private company then.  
 19 Q. Did you ever work for it when it  
 20 was a public company?  
 21 A. No, sir.  
 22 Q. Was it sold out?  
 23 A. Yes, sir.

41 1 Q. And sold to what, Daphne?  
 2 A. Yes, sir.  
 3 Q. So was your employer Lake Forest  
 4 Utility?  
 5 A. That's correct.  
 6 Q. What was its business address?  
 7 A. I don't recall.  
 8 Q. And your position was?  
 9 A. I was the water and sewer  
 10 superintendent.  
 11 Q. Who did you report to?  
 12 A. The project manager.  
 13 Q. Do you remember his name?  
 14 A. They changed from time to time.  
 15 Cleve Henderson was the last one that I worked  
 16 for.  
 17 Q. When they were sold to Daphne did  
 18 Cleve Henderson become a city employee?  
 19 A. No, sir.  
 20 Q. He went somewhere else?  
 21 A. Yes, sir, that's correct.  
 22 Q. Do you know where he went?  
 23 A. No, sir.

42 1 Q. Did you have supervisory authority  
 2 as the water and sewer superintendent with Lake  
 3 Forest Utility?  
 4 A. Yes, sir.  
 5 Q. How many people?  
 6 A. Three waste water employees and  
 7 four water employees.  
 8 Q. And those would have been private  
 9 enterprise employees?  
 10 A. That's correct.  
 11 Q. Terminable at will?  
 12 A. Correct.  
 13 Q. Were you responsible for budgeting  
 14 or was that done above you, or was there a  
 15 budget necessary for your department?  
 16 A. I did part of the budgeting and  
 17 part of it was done above me, so I had  
 18 restrictions.  
 19 Q. What was your input into the  
 20 budget?  
 21 A. I'm not sure.  
 22 Q. Municipalities operate and water  
 23 boards operate off of a budget that's approved

1 each year.  
 2 A. Correct.  
 3 Q. Did Lake Forest Utility have a  
 4 structured budget like that?  
 5 A. We have -- we had a budget, yes,  
 6 sir.  
 7 Q. Did you get in trouble if you went  
 8 over?  
 9 A. Yes, sir.  
 10 Q. And did you have to report to  
 11 people about it?  
 12 A. Yes, sir.  
 13 Q. Would you have to sit down with  
 14 the project manager and discuss what your  
 15 department would do each year, or would the  
 16 project manager know that?  
 17 A. I would have to sit down with the  
 18 project manager.  
 19 Q. Were there other departments or  
 20 functions of Lake Forest Utility other than just  
 21 water, waste water?  
 22 A. Yes, sir.  
 23 Q. What else did they have?

45

1 A. Yes, sir.  
 2 Q. Could you fire somebody if you  
 3 needed to?  
 4 A. Yes, sir.  
 5 Q. But y'all didn't have to worry  
 6 about due process hearings and that sort of  
 7 stuff?  
 8 A. We did, yes, sir.  
 9 Q. You did?  
 10 A. Yes, sir.  
 11 Q. Was it a union?  
 12 A. No, sir, there wasn't a union, but  
 13 there was complaints.  
 14 Q. If you wanted to fire somebody  
 15 though, wouldn't those private enterprise  
 16 employees be at will?  
 17 A. I'm not sure of the definition of  
 18 "at will".  
 19 Q. Could you fire them for any  
 20 reason?  
 21 A. No, sir.  
 22 Q. You had to have a forecalled  
 23 reason?

47

1 A. Land development, home  
 2 construction.  
 3 Q. Did the person that you report to  
 4 then report to somebody that was involved in the  
 5 bigger scheme of things?  
 6 A. The project manager was over  
 7 everything.  
 8 Q. He was over all of it?  
 9 A. Yes, sir.  
 10 Q. Was he there on site?  
 11 A. Yes, sir.  
 12 Q. Did you have any administrative  
 13 responsibilities with Lake Forest Utility?  
 14 A. Yes, sir.  
 15 Q. What were they?  
 16 A. Reported to state and federal  
 17 agencies, particularly the Public Service  
 18 Commission -- rate structures for the Public  
 19 Service Commission.  
 20 Q. Did you have any scheduling  
 21 responsibilities?  
 22 A. Yes, sir.  
 23 Q. How about disciplinary actions?

46

1 A. That's right.  
 2 Q. So would you have to get clearance  
 3 on taking any disciplinary action, or could you  
 4 do it on your own?  
 5 A. Depending on the circumstances.  
 6 Q. Did you ever fire anybody?  
 7 A. Yes, sir.  
 8 Q. How many people did you fire?  
 9 A. Two.  
 10 Q. Did they have hearings on it, or  
 11 did you just run them off the project?  
 12 MR. COOKS: Object to the  
 13 form.  
 14 A. They didn't have formal hearings.  
 15 Q. (Mr. Morgan) And then I have that  
 16 your next employment was Mobile County Water  
 17 Sewer and Fire?  
 18 A. That's correct.  
 19 Q. What was your position with it?  
 20 A. General manager.  
 21 Q. Now, is that a legal entity that's  
 22 similar to the Auburn Water Board?  
 23 A. Yes, sir.

48

1 Q. A public corporation?  
 2 A. That's correct.  
 3 Q. What did you do for it?  
 4 A. Well, I was manager for the entire  
 5 operation.

6 Q. Water and waste water?  
 7 A. We didn't actually have waste  
 8 water, but yes, sir.

9 Q. Water, sewer and fire?  
 10 A. Correct. We had administrative  
 11 sewer duties only.

12 Q. Who handled the sewer?

13 A. There was no actual sewer except  
 14 what's provided by the City of Mobile.

15 Q. What was the overlap between the  
 16 Mobile County Water Sewer and the City of Mobile  
 17 or Mobile Water Board? I mean, is this outside  
 18 the city limits of Mobile that you operated?

19 A. It's a separate service area  
 20 outside the city limits.

21 Q. How large a service area was it?

22 A. I don't know the actual acreage.

23 Q. Is it still in existence?

1 A. I believe so.

2 Q. Do you know whether or not it has  
 3 the same general service area or whether it's  
 4 increased or decreased?

5 A. I don't know.

6 Q. Do you know who's over it now?

7 A. No, I don't.

8 Q. How many employees were there with  
 9 the Mobile County Water Sewer and Fire?

10 A. I believe there were 12 water  
 11 employees, maybe five office staff, five fire  
 12 staff and approximately 60 volunteer fire  
 13 people.

14 Q. How big a system was that -- I  
 15 mean, the water system? How many gallons of  
 16 water did they generate or produce?

17 A. I don't really recall. It's a  
 18 ground water system rather than a surface water  
 19 system -- I don't really recall -- and separate  
 20 wells.

21 Q. You are going to have to educate  
 22 me: What's the difference in the ground water  
 23 and the surface water system?

49

1 A. Surface water system requires  
 2 higher degree of treatment, normally. Most  
 3 ground water doesn't require a lot of  
 4 preparation before it's safe to drink.

5 Q. And this was a ground water  
 6 system?

7 A. That's correct.

8 Q. Now you worked at the water plant  
 9 here for the Auburn Water Board?

10 A. That's correct.

11 Q. Did they have a similar water  
 12 plant at the Mobile County Water, Sewer and  
 13 Fire?

14 A. No, sir.

15 Q. How many people did you actually  
 16 supervise at the Mobile County Water, Sewer and  
 17 Fire?

18 A. At least one in the office and at  
 19 least two in the field -- in the water field.  
 20 And two in the fire department that I directly  
 21 supervised.

22 Q. What was your experience with  
 23 fire?

50

1 A. Well, actually I learned about  
 2 fire after I got there. That's why I had a fire  
 3 chief and fire dispatchers, and the only thing I  
 4 had to do is to make sure that they were doing  
 5 their job.

6 Q. So in terms of water you had two  
 7 field employees that you would directly  
 8 supervise?

9 A. I had a field superintendent and a  
 10 leader man in the field that I could go to.

11 Q. And that's who you supervised  
 12 directly in terms of water?

13 A. Directly, yes, sir.

14 Q. Who did you report to?

15 A. The board of directors.

16 Q. How was the board made up?

17 A. It's a three-member board.

18 Q. Are they appointed by the local --  
 19 A. Appointed by the county.

20 Q. Did the board hire you?

21 A. That's correct.

22 Q. Did you have any budget  
 23 responsibilities for the Mobile County Water,

51

52

1 Sewer and Fire Department?

2 A. Yes, I did.

3 Q. What was your budget area, the  
4 water or the whole thing?

5 A. I had to prepare the entire annual  
6 budget.

7 Q. You did the entire budget and then  
8 you would submit it to the board of directors  
9 for approval?

10 A. That's correct.

11 Q. How much money did that system  
12 have that you would budget, what was the amount  
13 of money?

14 A. Our normal operating cost was  
15 around a million a year as I recall.

16 Q. That was a figure you would use in  
17 preparing the budget, a million dollars?

18 A. We would generate revenue  
19 estimates to prepare the budget.

20 Q. What amount, would that be close  
21 to the million dollars?

22 A. Right.

23 Q. What administrative

53

1 administratively, even though he probably knew  
2 more about fire, he would report to you  
3 administratively?

4 A. Yes, sir.

5 Q. Was there somebody over the water  
6 that would report to you administratively, or  
7 were you in charge of the water directly?

8 A. Well, the field superintendent and  
9 the office manager both reported to me directly.

10 Q. Were you responsible for the  
11 scheduling of those two employees on the water  
12 side?

13 A. I was responsible for the  
14 scheduling of all of the employees.

15 Q. Did you sort of defer to the fire  
16 chief on the fire side?

17 A. Generally, yes, sir.

18 Q. And how about disciplinary  
19 reprimands, terminations -- did you have that  
20 responsibility, or did you make recommendations?

21 A. I had some responsibility and did  
22 some recommendations.

23 Q. Were those employees for the

54

1 responsibilities did you have with the Mobile  
2 County Water, Sewer and Fire?

3 A. Reported to the county commission,  
4 to the board, to State and Federal agencies.

5 Q. I apologize if I have asked this,

6 but that system did not have waste water?

7 A. It had a waste water agreement

8 with the City of Mobile. It didn't have waste  
9 water facilities or operators.

10 Q. So y'all relied on the City for  
11 waste water?

12 A. That's correct.

13 Q. And the water system was ground  
14 water?

15 A. That's correct.

16 Q. And the fire department, you  
17 relied on the fire chief for that?

18 A. Correct.

19 Q. Now was he a full-time employee,  
20 because you said there were 60 volunteer

21 firemen, was there a full-time fire chief?

22 A. That's correct.

23 Q. So the fire chief, I guess,

55

56

1 Mobile County Water, did they fall under a  
2 personnel plan or policy where they were  
3 entitled to a due process hearing similar to a  
4 city?

5 A. They were entitled to due process.

6 Q. Did the Mobile County, Sewer and  
7 Fire, did you rely on the Mobile City personnel  
8 or Mobile County personnel?

9 A. No, sir.

10 Q. You had your own personnel system  
11 there?

12 A. Essentially, correct.

13 Q. Was there an HR department or  
14 personnel department?

15 A. I actually was most of the HR --  
16 me along with an office employee.

17 Q. My notes say that you left there  
18 because you had a nonwork-related injury?

19 A. That's correct.

20 Q. What happened with that?

21 A. Well, I had some problems with one  
22 of my feet and I had to have surgery and ended  
23 up being unable to walk for an extended period

1 of time.

2 Q. Did they ask you to resign, or did  
3 you voluntarily resign?

4 A. I voluntarily resigned.

5 Q. Then the next place that I have  
6 that you worked was the City of Jackson.

7 A. That's correct.

8 Q. How long were you unemployed  
9 between leaving Mobile County Water, Sewer and  
10 Fire and going with the City of Jackson?

11 A. About eight months as I recall.

12 Q. Did you get unemployment  
13 compensation?

14 A. No, sir.

15 Q. Did you even apply for it?

16 A. No, sir.

17 Q. And your position with the City of  
18 Jackson was plant superintendent?

19 A. Yes, sir.

20 Q. And that was, I guess, directly --  
21 you were an employee of the City of Jackson?

22 A. That's correct.

23 Q. Did it have a separate water

1 board?

2 A. It was a water board, yes, sir.

3 Q. Which were you employed by, the  
4 City or the water board?

5 A. I was actually employed by the  
6 water board but the water board was very closely  
7 bonded with the City, so the administrative  
8 duties for the board were normally handled by  
9 the City.

10 Q. But your employment was with the  
11 water board?

12 A. That's correct.

13 Q. What would it be called, the  
14 Prichard Water Board?

15 A. Jackson.

16 Q. Jackson, I'm sorry. Jackson Water  
17 Board?

18 A. I believe that's correct.

19 Q. Did the HR department or personnel  
20 department for the City also handle the  
21 personnel for the water board, similar to  
22 Auburn?

23 A. That's correct.

57

1 Q. How many employees were at the  
2 water board?

3 A. I don't know. There were field  
4 employees as well as plant employees.

5 Q. You were the plant  
6 superintendent?

7 A. That's correct.

8 Q. How many employees were there at  
9 the plant?

10 A. Four.

11 Q. How many did you supervise?

12 A. Four.

13 Q. Everybody that was there?

14 A. That's correct.

15 Q. Generally what were your duties at  
16 the plant superintendent?

17 A. To ensure that the plant was  
18 producing water according to standards.

19 Q. And that was a water job?

20 A. That's correct.

21 Q. How many gallons of water did they  
22 generate or produce?

23 A. About two million a day.

58

1 Q. And is that ground or surface  
2 water?

3 A. Surface water.

4 Q. So you had to have a plant?

5 A. That's correct.

6 Q. Who did you report to?

7 A. David Dolbear.

8 Q. What was his position?

9 A. He was the water superintendent  
10 for the City.

11 Q. Was he a City employee or board  
12 employee?

13 A. Board employee.

14 Q. Who would he report to, the board?

15 A. To the board of directors.

16 Q. And you would supervise the other  
17 employees at the plant?

18 A. That's correct.

19 Q. What responsibility did you have  
20 for the water board's budget?

21 A. The budgeting aspects of the water  
22 production.

23 Q. Your department side of it?

59

60

1 A. That's correct.  
 2 Q. What was the total budget for the  
 3 water board?

4 A. I don't recall.  
 5 Q. What was your budget?  
 6 A. I really don't recall.  
 7 Q. What administrative  
 8 responsibilities did you have?

9 A. Dealing with the state and federal  
 10 agencies.

11 Q. And then were you responsible for  
 12 scheduling of the plant, the employees at the  
 13 plant?

14 A. Yes, sir.

15 Q. What disciplinary employee  
 16 reprimands, terminations -- what responsibility  
 17 did you have in that area?

18 A. I had limited responsibility,  
 19 reprimands and recommendations.

20 Q. Why did you leave there?

21 A. It was actually taken over by a  
 22 private company: Professional Services Group  
 23 and I stayed with Professional Services Group

1 after they took over.

2 Q. So Professional Services Group is  
 3 just a successor to the Jackson Water Board?

4 A. That's correct.

5 Q. And you were the project manager  
 6 for Professional Services Group?

7 A. Not at City of Jackson. They  
 8 relocated me to Demopolis, Alabama and I was the  
 9 project manager there.

10 Q. Did you ever work in Jackson for  
 11 Professional Services Group?

12 A. For a limited period of time.

13 Q. Did your job stay basically the  
 14 same as it had with the water board?

15 A. That's correct.

16 Q. And they moved you to Demopolis?

17 A. Right.

18 Q. What did you do in Demopolis?

19 A. I was the manager of the entire  
 20 project.

21 Q. What was the project?

22 A. Water and waste water treatment  
 23 for the City.

61

1 Q. How many employees did you  
 2 supervise or you were responsible for in  
 3 Demopolis?

4 A. I believe there were 16 field  
 5 employees and three office employees.

6 Q. And you would have been  
 7 responsible for -- all of them would have  
 8 reported to you?

9 A. Yes, sir.

10 Q. How many on the water side did you  
 11 supervise in Demopolis?

12 A. I believe there were 10 field  
 13 employees in the water side and six in waste  
 14 water.

15 Q. Was there a water treatment plant  
 16 there similar to what's at Auburn?

17 A. Well, there were wells scattered  
 18 around.

19 Q. Was that ground water?

20 A. Ground water.

21 Q. So you didn't have to have  
 22 treatment plants like you did at Auburn?

23 A. Not a water treatment plant, no,

62

1 sir.

2 Q. What kind of treatment plant did  
 3 you have to have?

4 A. Base water treatment plants.

5 Q. But in terms of water you didn't  
 6 have to have a water treatment plant?

7 A. We had treatment facilities, but  
 8 not a surface water type plant, no, sir.

9 Q. How much water was produced,  
 10 generated at the Demopolis plant?

11 A. I really don't recall.

12 Q. How about the budget? Did you  
 13 have any budget responsibilities with  
 14 Professional Services Group?

15 A. Yes, sir.

16 Q. How much money was allocated to  
 17 the water side of your budget?

18 A. I don't know that it was split up  
 19 that way because Professional Services Group  
 20 just didn't do it that way. They grouped it by  
 21 utilities and chemicals and whatever.

22 Q. Well, in terms of the project that  
 23 you had in Demopolis, what was the total amount

63

1 of the budget?

2 A. I believe it was about one point  
3 two million, but that's -- I'm not certain of  
4 that.

5 Q. Did those budgets -- the budget  
6 that was submitted -- would they have to be  
7 approved by the City?

8 A. They would have to be approved by  
9 the City and by the home office, both.

10 Q. The City, I guess, had a contract  
11 with Professional Services Group to provide  
12 water and waste water?

13 A. That's correct.

14 Q. And so I guess the amount that  
15 would be allocated for those projects from  
16 Professional Services Group is what you would  
17 get from the City?

18 A. Basically, that's correct.

19 Q. And then the Professional Services  
20 Group would do a budget for the whole -- just  
21 whatever your project was -- they didn't break  
22 it down into water and waste water?

23 A. That's correct.

1 Q. But the amount of money they had  
2 to play with would have been what was contracted  
3 with the City?

4 A. That's correct.

5 Q. Did y'all publish reports or  
6 annual reports or information for the City  
7 showing how much water was generated or  
8 produced, or how much waste water was handled  
9 and all of that?

10 A. Yes, sir.

11 Q. And those would have been  
12 submitted to the City?

13 A. Yes, sir.

14 Q. How about for the Jackson Water  
15 Board, were similar reports generated for the  
16 City or for the water board, do you know?

17 A. I don't recall. I'm sure that  
18 there was a report given to the board, but I  
19 don't recall the substance of the report.

20 Q. And administratively, what  
21 responsibilities did you have with the  
22 Professional Services Group?

23 A. Interfacing with the local

65

1 government the City and County, and reporting to  
2 state and federal agencies.

3 Q. Did you have a contact at  
4 Demopolis that you dealt with?

5 A. The Mayor -- I normally dealt with  
6 the Mayor.

7 Q. Who was the Mayor when you were  
8 there?

9 A. Austin Caldwell.

10 Q. Were you responsible for the  
11 scheduling of the employees on both the water  
12 side and the waste water side?

13 A. Yes, sir.

14 Q. And what about disciplinary, did  
15 you make recommendations to the --

16 A. I had a set of procedures that the  
17 company followed. Some of them were done in my  
18 office and the others were done in Houston.

19 Q. Professional Services Group's home  
20 office is in Houston as well?

21 A. That's correct.

22 Q. Now you were an employee of  
23 Professional Services Group?

66

1 A. Correct.

2 Q. What about the folks under you?

3 Did they work for the City or did they work for  
4 the Professional Services Group?

5 A. Professional Services Group.

6 Q. So y'all had the whole thing?

7 A. That's correct.

8 Q. There weren't any city employees  
9 that you just managed them -- I mean, y'all did  
10 the management and the operating?

11 A. Generally true, we had part-time  
12 people that worked also with the City from time  
13 to time, not regular employees.

14 Q. But in terms of your regular  
15 employees, they were all Professional Services  
16 Group employees?

17 A. That's correct.

18 Q. Why did you leave it?

19 A. That's the one where I was told  
20 the project was closing and they did not  
21 leave --

22 Q. Did they in fact close the  
23 project?

67

1 A. I assume they did, I don't know.  
 2 Q. Why were they closing the project,  
 3 was the City taking it in-house?  
 4 A. It's my understanding the City was  
 5 not happy with the level of service they were  
 6 getting from Professional Services Group for the  
 7 money they were paying.

8 Q. So did they bid it to somebody  
 9 else?

10 A. I don't know.

11 Q. Do you know if that project --  
 12 would the City have gotten that competitive bid,  
 13 or is that something the City would go to with  
 14 Professional Services?

15 A. I don't know.

16 Q. But you were not responsible for  
 17 that?

18 A. No, sir.

19 Q. But your understanding was that  
 20 the City was not happy with the level of  
 21 services that you are getting for the money?

22 A. That's correct.

23 Q. And so they were terminating their

1 with Professional Services Group?

2 A. Well, it was the entire city and  
 3 some areas outside the city -- I don't know the  
 4 exact area.

5 Q. How about the City of Jackson?

6 What geographical area did you service, just the  
 7 city?

8 A. The city, Salitpa -- a couple of  
 9 other little small areas that I don't think were  
 10 actually incorporated, but they are named.

11 Q. Well, were they within the police  
 12 jurisdiction of the City of Jackson?

13 A. I don't believe that all of them  
 14 were.

15 Q. What about Mobile County, you said  
 16 that was a geographical area?

17 A. Right.

18 Q. But you don't remember how large  
 19 that geographical area was?

20 A. I don't recall.

21 Q. You don't remember what the  
 22 population was?

23 A. I believe we have between six and

1 relationship with Professional Services Group?

2 A. Right.

3 Q. How much money was the City paying  
 4 each year? Do you know?

5 A. I don't recall the exact amount.

6 Q. Is that when you received  
 7 unemployment compensation?

8 A. That's correct.

9 Q. At any of these jobs that we've  
 10 talked about, did you hold any position where  
 11 you dealt directly or responsible for dealing  
 12 with the consumer or a customer?

13 A. Absolutely.

14 Q. Which ones?

15 A. City of Saraland.

16 Q. Okay.

17 A. Lake Forest Utilities.

18 Q. Okay?

19 A. Mobile County Water, and

20 Jackson -- City of Jackson, and Professional  
 21 Services Group.

22 Q. What was the population area that  
 23 you would have dealt with -- that y'all serviced

1 seven thousand customers.

2 Q. Where geographically? Is it north  
 3 of Mobile City, east?

4 A. Generally south.

5 Q. West?

6 A. South and southwest -- west and  
 7 southwest.

8 Q. Bayou LaBatre, that area?

9 A. North of Bayou LaBatre.

10 Q. South of I-10 -- south and  
 11 southwest of I-10 from Mobile?

12 A. Right, southwest.

13 Q. But north of the Bayou LaBatre?

14 A. Yes, sir.

15 Q. Did it go all the way to the  
 16 Mississippi line?

17 A. No, sir -- well, we didn't have  
 18 water that far out.

19 Q. And then Lake Forest, was that the  
 20 Daphne City area?

21 A. Not the entire Daphne City area.  
 22 It was not incorporated at the time.

23 Q. How many folks did y'all service

1 at Lake Forest?

2 A. I believe there were four thousand  
3 residences.

4 Q. Do you remember how many you  
5 serviced in Mobile County?

6 A. I think I said between six and  
7 seven thousand.

8 Q. City of Jackson, do you remember  
9 how many there were?

10 A. I don't.

11 Q. And you don't remember how many  
12 there were in Demopolis?

13 A. No, sir.

14 Q. And then the City of Saraland.

15 Did you have the whole City of Saraland?

16 A. Yes, sir.

17 Q. How many folks would that be?

18 A. Maybe five thousand -- I'm not  
19 sure on that one.

20 MR. MORGAN: I don't know how  
21 long we have been going. I'm about to change  
22 gears, y'all want to take a quick break?

23 MR. COOKS: Yes.

73

1 A. I usually -- eventually get a pay  
2 stub, but not on a regular basis. It kind of  
3 follows me around wherever I go.

4 Q. I assume your banking account is  
5 here in Alabama?

6 A. Yes, sir.

7 Q. Am I right in that?

8 A. Yes, sir.

9 Q. Does your pay stub come to your  
10 address in Alabama, or does it follow you  
11 wherever you are?

12 A. Wherever I am.

13 Q. What do you do with your pay  
14 stubs?

15 A. I believe that most of them that I  
16 have, and I didn't get all of them -- most of  
17 them I have are probably still in Iraq  
18 somewhere.

19 Q. So you would have at least some,  
20 if not most of your pay stubs from up until  
21 today? I mean, it would have some that you  
22 received in 2007?

23 A. I believe I have some, yes, sir.

75

1 11:19 AM

2 (Short break.)

3 11:26 AM

4 Q. (Mr. Morgan) Mr. Lacey, I sent  
5 you a deposition notice and I just want to be  
6 sure I have these documents that I requested. I  
7 received yesterday your tax returns for 2005 and  
8 2006 -- you filed those Alabama State and  
9 Federal taxes those two years?

10 A. Yes, sir.

11 Q. They didn't have the W-2 forms  
12 with them. Do you have your W-2s?

13 A. I'll have to check, because I did  
14 it on-line and I don't recall. I'll have to  
15 check.

16 Q. And then I asked for any receipts,  
17 canceled checks, or other documents of any type  
18 of nature evidence and income earned since July  
19 1, 2006. Do you get a pay stub when you get a  
20 check, or do they do a direct deposit?

21 A. They do a direct deposit.

22 Q. Do they give some evidence that  
23 the money has been deposited?

74

1 Q. Are you paid weekly, bi-weekly,  
2 monthly?

3 A. Monthly.

4 Q. So you would have one pay stub for  
5 each month that you have been with -- or at  
6 least you should have received --

7 A. I should have received.

8 Q. And you have some?

9 A. Yes, sir.

10 Q. When do you return?

11 A. August the 7th, I believe I have  
12 to be back.

13 Q. Is there anything else that will  
14 show what monies you've been paid by Kellogg,  
15 Brown and Root other than this pay stub and your  
16 W-2 form?

17 A. I don't believe so -- the income  
18 tax return.

19 Q. Yes, okay. Do you have a -- I  
20 guess I will call it for lack of better word --  
21 a permanent address in Iraq? Do you live in a  
22 place or in a compound, or a military base, or  
23 where do you live?

76

1 A. I live wherever they send me. I  
2 have a place -- a bed, a cot, or something  
3 wherever they send me.

4 Q. Well, do you have a room or an  
5 apartment?

6 A. At the present I do have a room --  
7 I don't know how long that will last.

8 Q. Where is your room located?

9 MR. COOKS: Can you tell that?  
10 Is it on a military base?

11 A. I can tell you the APO number  
12 address -- it's KBR/D16APOAE09312.

13 Q. Well, you are going to have to  
14 help me here. Do you have what would be  
15 considered a permanent residence or permanent  
16 place in Iraq where when you go out to visit  
17 these water plants you come back -- this is  
18 where you know you are going to be coming back  
19 to?

20 A. No, sir. They send me wherever I  
21 go and when I get there I don't know how long I  
22 will be there, and where I will go when I leave.

23 Q. So when you leave you take all of

1 your stuff with you?

2 A. Generally -- either that or they  
3 will mail it to me.

4 Q. You don't have a place where you  
5 keep your stuff?

6 A. I do right now.

7 Q. But in general.

8 A. I have in the past. I have a  
9 different place now. I'll have a different  
10 place later on. Mail will be forward to me  
11 wherever I go, so if you have that address it  
12 will be forwarded to me.

13 Q. Do you generally stay on a  
14 military base?

15 A. Generally.

16 Q. When you're accompanied -- when  
17 you leave and go from point A to point B, do you  
18 usually travel with the military or military  
19 protection?

20 A. Yes, sir.

21 Q. I asked if you had any statements,  
22 including taped, without permission of any  
23 employees of the City of Auburn. Do you have

77

1 any tapes -- and also from the water board -- do  
2 you have any tapes that you've made of any  
3 employees of the City or of the water board?

4 A. No.

5 Q. Have you ever taped anybody?

6 A. I'm not sure what you mean. I've  
7 used tape recorders.

8 Q. Have you used a tape recorder, for  
9 instance, for any conversations you've had with  
10 Scott Cummings.

11 A. No, sir.

12 Q. How about Rick McCarty?

13 A. No, sir.

14 Q. How about Martin Squires?

15 A. No, sir.

16 Q. How about Steve Kukla, did you  
17 tape those?

18 A. No, sir.

19 Q. So there are no tape recordings of  
20 any conversations that you've had with or  
21 anything that Scott, Rick, Martin or Steve  
22 Kukla have ever said, their voice is not on any  
23 tape recording that you have?

78

80

1 A. No, sir.

2 Q. And you have never tape-recorded  
3 any of them?

4 A. No, sir.

5 Q. How about Nell Greer? You listed  
6 her as a witness. Do you have any tape  
7 recordings of her?

8 A. No, sir.

9 Q. Anybody on the interview  
10 committee, did you tape any of that?

11 A. No, sir.

12 Q. So no tape recordings of anybody  
13 involved in this litigation or anybody that was  
14 an employee of yours or an employer of yours or  
15 with whom you dealt with the City or water board  
16 exists?

17 MR. COOKS: Of Auburn?

18 MR. MORGAN: Yeah.

19 A. Not that I've taped.

20 Q. (Mr. Morgan) Are you aware of any  
21 other taped recordings of anybody?

22 A. No.

23 Q. How about written or signed

1 statements? Do you have any, or are you aware  
 2 of any signed statements from any employees of  
 3 the City or of the water board dealing with this  
 4 litigation, or your employment, or you not  
 5 getting a promotion?

6 A. I think I had an e-mail from Nell  
 7 Greer, but that was on the network and I don't  
 8 have that any longer.

9 Q. What did the e-mail from Nell  
 10 Greer have to do with?

11 A. It was pertaining to the pay scale  
 12 reduction.

13 Q. Pay scale reduction for the  
 14 position of water distribution manager?

15 A. That's correct.

16 Q. Did that e-mail come before you  
 17 applied for that position? After you applied?  
 18 After you didn't get it? After you left the  
 19 water board?

20 A. After I applied for sure -- I  
 21 don't know when else it came.

22 Q. Did you request that?

23 A. No, sir.

81

1 A. That's correct.

2 Q. And your employer was the water  
 3 board?

4 MR. COOKS: Object to the  
 5 form. You can answer.

6 A. Yes.

7 Q. (Mr. Morgan) How did you find  
 8 out, or what caused you to make application for  
 9 the Auburn Water Board?

10 A. Alabama State Employment.

11 Q. They would give you -- I guess you  
 12 were receiving unemployment compensation?

13 A. That's right.

14 Q. And they would give you a list of  
 15 possible job openings in your area of expertise?

16 A. That's correct.

17 Q. Did you apply anywhere else other  
 18 than the Auburn Water Board?

19 A. I applied some other places, I  
 20 don't recall specifically -- there is one in  
 21 Elmore County -- I don't know.

22 Q. Was it a water board position as  
 23 well?

83

1 Q. Do you have any reason to think it  
 2 came just to you, or did it go to all  
 3 applicants?

4 A. I assume it went to all  
 5 applicants -- I don't know.

6 Q. You didn't ask for it?

7 A. No, sir.

8 Q. It just came telling you there had  
 9 been a pay scale reduction?

10 A. That's correct.

11 Q. Did it tell you the reason for the  
 12 pay scale reduction?

13 A. I don't recall.

14 Q. Any other statements that you are  
 15 aware of?

16 A. No, sir.

17 Q. And you don't have any statements  
 18 of Rick McCarty taped, written, recorded without  
 19 his permission?

20 A. No.

21 Q. Just to be clear, my understanding  
 22 is that you were hired as a water plant operator  
 23 by the water board?

82

1 A. Yes.

2 Q. Central Elmore Water Authority?

3 A. I don't think so. It was in  
 4 Elmore County, but I don't remember the name of  
 5 it.

6 Q. Did you send a written application  
 7 or did you apply on-line?

8 A. I believe I went over and  
 9 delivered a written application.

10 Q. Do you remember where you took it?

11 A. I don't recall, it's been quite  
 12 awhile and I don't recall.

13 Q. When you found out about the  
 14 opening at the Auburn Water Board, were you  
 15 still living in Demopolis?

16 A. That's correct. I also applied in  
 17 Opelika.

18 Q. What did you do to apply with the  
 19 Auburn Water Board? Did you call to get an  
 20 application? Do it on-line? Drive over? What  
 21 did you do?

22 A. I believe that the State

23 Employment Service gave me an application and I

84

1 filled it out along with my resume and sent it  
 2 by registered mailed to the address they gave  
 3 me.

4 Q. What was next thing that you heard  
 5 about that from your application? After you  
 6 sent your application, what was the next thing  
 7 that happened in terms of your being employed by  
 8 the water board?

9 A. I was called for an interview.

10 Q. Who called you?

11 A. I believe it was Rick McCarty. It  
 12 was either Rick McCarty or Tony Segrist, one or  
 13 the other.

14 Q. When you were hired by the Water  
 15 board, did Rick McCarty report to Tony Segrist?

16 A. Yes, sir.

17 Q. And Tony then reported to Scott?

18 A. No, sir. There was another  
 19 superintendent.

20 Q. Who was that?

21 A. I don't recall his name. I  
 22 remember him quite well, but I don't remember  
 23 his name.

1 Q. But now when you applied for the  
 2 water distribution managers position, was the  
 3 chain of command changed so that Rick reported  
 4 to Scott and the water distribution manager also  
 5 reported to Scott? Do you know one way or the  
 6 other?

7 A. I believe that's correct.

8 Q. And what was Tony Segrist's title  
 9 when he was here?

10 A. I believe it was water  
 11 distribution manager.

12 Q. So you received a call from either  
 13 Rick or Tony inviting you for an interview?

14 A. That's correct.

15 Q. Do you remember anything else  
 16 about that conversation other than the  
 17 interview, you being told there was an  
 18 interview?

19 A. Not particularly, no, sir.

20 Q. Do you remember what day you  
 21 interviewed?

22 A. No, sir.

23 Q. And I assume that was here in

85

1 Auburn?

2 A. It was at the water board office,  
 3 the old office.

4 Q. Who did you interview with?

5 A. Tony, Rick and Eric, I believe  
 6 it's Carson.

7 Q. Carson?

8 A. I believe that's correct.

9 Q. What was his position?

10 A. He was somehow working in the  
 11 engineering department and I don't recall his --  
 12 I don't know what his position was.

13 Q. What was Rick's title? Do you  
 14 know?

15 A. He was the plant superintendent.

16 Q. And Tony was the water  
 17 distribution manager?

18 A. I believe that's correct.

19 Q. How long did the interview last?

20 A. 45 minutes, an hour -- something

21 of that sort.

22 Q. Did they offer you a job during

23 the interview?

86

1 A. No, sir.

2 Q. Did you think it was a fair  
 3 interview? I mean, did they seem to know what  
 4 they were talking about or what they were  
 5 looking for?

6 A. I thought it was a fair interview,  
 7 yes.

8 Q. Anything about the interview that  
 9 sticks out in your mind?

10 A. Nothing in particular.

11 Q. That position was for water plant  
 12 operator?

13 A. Yes, sir.

14 Q. What's the next step that happened  
 15 in the process of you being hired?

16 A. I believe I was called back for a  
 17 second interview. I was called back for a  
 18 second meeting, but it wasn't a formal  
 19 interview.

20 Q. Who was that with?

21 A. It was with Rick and Tony.

22 Q. What was the difference in the  
 23 subject matters was that discussed in this

87

1 second meeting as opposed to the first  
2 interview?

3 A. This was essentially a job offer.  
4 Q. And I assume that's for a full-  
5 time position?

6 A. Yes, sir.

7 Q. What was the hourly rate?

8 A. I was told that the starting pay  
9 was ten dollars an hour.

10 Q. Do you have any reason to think  
11 that's not correct?

12 A. Well, I know that other operators  
13 make more than ten dollars an hour with less  
14 experience than me.

15 Q. But they were more than ten  
16 dollars an hour -- was that on an entry level or  
17 was that after they had been with the board for  
18 a while?

19 A. I was told that the entry level  
20 wages were ten dollars an hour.

21 Q. Do you have any reason to think  
22 that's not correct?

23 A. Apparently it's not correct

1 hourly salary was.

2 A. He told me.

3 Q. And that's what you were making as  
4 the chief operator?

5 A. That's what I was making as a  
6 shift operator. Allen replaced me as a shift  
7 operator.

8 Q. Is a shift operator the same as a  
9 water operator?

10 A. Yes, sir.

11 Q. Water plant operator?

12 A. Yes, sir.

13 Q. And you got promoted?

14 A. Yes, sir.

15 Q. And you went to chief operator?

16 A. That's correct.

17 Q. How much were you making as chief  
18 operator?

19 A. I believe it was about sixteen  
20 dollars an hour.

21 Q. Is that what you were making when  
22 you left the employment of the board?

23 A. I know it was between sixteen and

1 because the man that they hired to replace me,  
2 hired in at the wages that I was receiving at  
3 the time.

4 Q. What was that hourly rate?

5 A. I believe it was about fifteen  
6 thirty-five, somewhere in that area.

7 Q. Who replaced you?

8 A. Allen -- I believe his name is  
9 Howe.

10 Q. Howell?

11 A. I think it's H-O-W-E, but I'm not  
12 sure, but I knew him as Allen.

13 Q. When did he start working there?

14 A. I'm trying to recall. I'm  
15 thinking it was winter or late or early spring  
16 of 2006.

17 Q. So he was actually hired before  
18 you left.

19 A. He was hired before I left.

20 Q. Was there somebody hired  
21 specifically to replace you after you left?

22 A. I don't know.

23 Q. How did you find out what his

1 seventeen dollars an hour when I left -- I don't  
2 recall exactly.

3 Q. And you were hired in August of  
4 '99?

5 A. That's correct.

6 Q. And Allen was hired sometime in  
7 '06?

8 A. That's correct.

9 Q. So on the second meeting with Rick  
10 and Tony is when you were made a job offer at  
11 ten dollars an hour?

12 A. Correct.

13 Q. And did you accept that?

14 A. Yes, I did.

15 Q. What other benefits did you have  
16 other than the ten-dollars-an-hour salary?

17 A. Of course the State Retirement  
18 Program, which I had to contribute to and health  
19 insurance.

20 Q. Did you have to pay for your  
21 health insurance?

22 A. Yes, sir. I had to pay a small  
23 amount. It was fairly inexpensive.

1 Q. So retirement and medical  
2 insurance?

3 A. That's correct.

4 Q. And then you began your job as a  
5 water plant operator?

6 A. That's correct.

7 Q. Which I think you held that  
8 position until early December of '05 when you  
9 became chief operator?

10 A. Okay.

11 Q. Does that sound about right?

12 A. I think so.

13 Q. So you would have been almost  
14 eight days shy, if my math is right, of being 51  
15 when you were hired by the City, right at 51  
16 when you were hired by the City?

17 A. Right.

18 Q. What were your duties and  
19 responsibilities as a water plant operator?

20 A. Well, to produce water for the  
21 City, operate the pumps, chemical feeders, make  
22 sure the process is working correctly.

23 Q. Do you do any sampling as a water

93

1 City of Auburn, Allen had not even worked in the  
2 water industry.

3 Q. What certification did he have  
4 when you left City?

5 A. Grade-four.

6 Q. Who else was a water plant  
7 operator other than you when you were hired?

8 A. Working at the facility at the  
9 time?

10 Q. Yeah, working for the board. I  
11 mean, that's a 24-hours -- does it run 24  
12 hours?

13 A. That's correct.

14 Q. So I assume you had one shift and  
15 somebody else had another shift?

16 A. Right.

17 Q. Who was that somebody else on the  
18 other shift?

19 A. Martin Squires is certified.

20 Q. Does he have a grade-four?

21 A. I think he has a grade-three.

22 Steve Kukla. Let's see. There was another  
23 gentleman --

95

1 plant operator?

2 A. We did in-house sampling, hourly  
3 testing.

4 Q. Do you have to be certified to do  
5 sampling?

6 A. Yes, sir, you do.

7 Q. Let me ask you about in terms of a  
8 water plant operator. Does a water plant  
9 operator need to have done what did you during  
10 that, what, six years -- do you need a grade-  
11 four water operator certificate to do the job  
12 you did?

13 A. It depends on the rate of flow you  
14 are running through the facility. If you are  
15 running at standard rate you could use a grade-  
16 three. If you are running at high rate, you  
17 need a grade-four.

18 Q. But you have to be certified in  
19 your opinion to work as a water plant operator?

20 A. That's a state law, yes, sir.

21 Q. Was Allen certified?

22 A. When Allen replaced me, he was  
23 certified. At the time I went to work for the

94

1 Q. Is he certified, Kukla?

2 A. I believe he is, yes.

3 Q. Three or four?

4 A. When I was hired in he was a  
5 three, he's a four now, or he was when I left.  
6 And there had been other people, but I don't  
7 recall their names right offhand.

8 Q. What about the grade-four waste  
9 water operator certificate, is that something  
10 that you needed in your position as a water  
11 plant operator?

12 A. No, sir.

13 Q. How about the master plumber's  
14 license, is that something you needed for water  
15 plant operator?

16 A. To be -- to be able to do repairs  
17 at the site it should require a plumber's  
18 license. I don't know that the city requires  
19 that.

20 Q. In-house?

21 A. Right.

22 Q. Those would be in-house repairs,  
23 right?

96

1 A. That's right.  
 2 Q. Was anybody else that you were  
 3 working with you named Martin, Steve did they  
 4 have a plumber's license?

5 A. No, sir.  
 6 Q. Just generally, tell me what you  
 7 do, or what you did as a water plant operator.  
 8 Take me through a day. Tell me generally what  
 9 you would do during a day.

10 A. Well, I would go in and check the  
 11 levels, the tank levels and I would turn on the  
 12 remote, the gauges we have, decide how many  
 13 pumps to run, how much chemicals to feed, look  
 14 at the filters to see which filters needed to be  
 15 back washed, make sure all of the chemical tanks  
 16 were full -- that's basically it. Check it  
 17 every hour as we went along during the day and  
 18 make whatever adjustments were necessary to  
 19 increase or decrease the flow.

20 Q. Who was your supervisor? Who did  
 21 you report to?

22 A. Rick McCarty.

23 Q. Did you supervise anybody?

97

1 that?  
 2 A. It's -- the information is entered  
 3 directly on the report. And while I was there I  
 4 kept copies, I don't know what Rick does with  
 5 them.

6 Q. You didn't have any budget  
 7 responsibilities, did you?

8 A. No, sir.

9 Q. And you were not responsible for  
 10 scheduling?

11 A. No, sir.

12 Q. And didn't have any areas -- no  
 13 disciplinary action -- you didn't take any  
 14 disciplinary action over employees?

15 A. No, sir.

16 Q. Do you move up from water plant  
 17 operator? Like sometimes you will be a one or a  
 18 two, or every six months or a year you get a  
 19 merit raise or cost-of-living raise, did you get  
 20 various raises during the time you were a water  
 21 plant operator?

22 A. I did get raises during that  
 23 period of time whenever there was a blanket

98

1 raise for the employees, or in some cases for  
 2 other reasons.

3 Q. How did your shifts run: Were you  
 4 like a 12-hour, 10-hour, 8-hour day.

5 A. We had -- when I started it was an  
 6 8-hour day and when I left it was a 12-hour.

7 Q. Your position would have been at  
 8 the water plant?

9 A. That's correct.

10 Q. Who else would have been at the  
 11 water plant? How many employees would be on  
 12 duty during the time you had a shift, or would  
 13 that vary depending on whether it was night or  
 14 day?

15 A. It varied depending on night or  
 16 day.

17 Q. Night, how many other folks?

18 A. No one.

19 Q. You were there by yourself?

20 A. Correct.

21 Q. And during the day?

22 A. One to three.

23 Q. One of those would be Rick?

99

1 A. That's correct.  
 2 Q. And what would the other two be?  
 3 A. Maintenance personnel.  
 4 Q. Did the shifts rotate? Did one  
 5 person work only at night and one person during  
 6 the day, or did your shifts rotate?  
 7 A. They rotated.  
 8 Q. And then in December of '05,  
 9 according to my records, you were promoted to  
 10 chief operator?  
 11 A. That's correct.  
 12 Q. What did you do to be promoted?  
 13 A. I applied for the position and I  
 14 was the only one to apply for the position, is  
 15 my understanding.  
 16 Q. And that was to chief operator?  
 17 A. That's correct.  
 18 Q. Now was that advertised as an  
 19 in-house promotion, or did they solicit  
 20 applications from outside of the water board?  
 21 A. My understanding was that it was  
 22 in-house.  
 23 Q. So any water plant operator could

101 103  
 1 Q. And you don't remember whether  
 2 that was Scott or the other person?  
 3 A. I don't remember if it was Scott  
 4 at that time.  
 5 Q. And then Eric, who did he report  
 6 to?  
 7 A. I assume he also reported to the  
 8 superintendent -- I assume that.  
 9 Q. Well, his primary place of  
 10 business then was not at the water plant?  
 11 A. No, sir.  
 12 Q. How long did the interview last?  
 13 A. I believe it was about 30 minutes.  
 14 Q. Do you remember anything  
 15 significant about the interview?  
 16 A. No, sir.  
 17 Q. Did they offer you the job then?  
 18 A. No, sir.  
 19 Q. What happened, what's the next  
 20 step after the interview?  
 21 A. Well, I waited for about three  
 22 weeks and then I was finally congratulated one  
 23 morning by Rick McCarty.

102 104  
 1 have applied for that position?  
 2 A. That's correct.  
 3 Q. And that would have included Steve  
 4 and Martin at the time?  
 5 A. That's correct.  
 6 Q. Any others?  
 7 A. Terry Coats.  
 8 Q. Did you have to take a test or  
 9 anything, or did you just make an application?  
 10 A. I did an interview.  
 11 Q. Who was your interview with?  
 12 A. With Rick, Tony, and Eric again --  
 13 same three people.  
 14 Q. Was Scott involved with the water  
 15 board at that time?  
 16 A. I think he may have been, but I  
 17 didn't know him.  
 18 Q. I'm assuming that Rick reported  
 19 administratively to Tony?  
 20 A. That's correct.  
 21 Q. Who did Tony report to?  
 22 A. To whoever was the  
 23 superintendent.

1 Q. What did he tell you?  
 2 A. Just congratulations -- you are  
 3 the new chief operator beginning some date --  
 4 gave me the date.  
 5 Q. And I assume that was an increase  
 6 in pay?  
 7 A. Yes, sir, it was an increase in  
 8 pay.  
 9 Q. What about duties and  
 10 responsibilities? What's the significance  
 11 between what you were doing as a water plant  
 12 operator and what you now did as a chief  
 13 operator?  
 14 A. I had duties also outside of the  
 15 fence, outside of the wall -- more than just the  
 16 plant themselves.  
 17 Q. What duties did you have outside?  
 18 A. Distribution, system sampling, the  
 19 raw water pumping station.  
 20 Q. What would you do there?  
 21 A. More or less check it.  
 22 Q. And then you would do sampling  
 23 outside?

1 A. Yes, sir.  
 2 Q. Would your principal place of  
 3 business still be the water plant and if you  
 4 needed to you would travel to these other  
 5 places?

6 A. Yes, sir.

7 Q. How about your work days, did it  
 8 change the hours?

9 A. It changed for the most part so  
 10 that I was only working five days a week, eight  
 11 hours a day except when I had to fill in for any  
 12 operator that took off, which was fairly  
 13 frequently.

14 Q. Well, let's say you were not  
 15 filling in and you had a five-day, eight-hour  
 16 work day, what were your hours?

17 A. Well, they were somewhat  
 18 flexible. Generally from six in the morning  
 19 until four in the afternoon, but sometimes I had  
 20 to go in later and work late.

21 Q. I assume if you filled in you fell  
 22 in the same rotation as the person whose place  
 23 you took?

1 A. That's correct.

2 Q. And did the same responsibilities  
 3 that you had as a water plant operator?

4 A. That's correct.

5 Q. But as the chief operator you had  
 6 responsibilities outside the facility?

7 A. That's correct.

8 Q. Were there any changes in the  
 9 responsibilities that you had inside the  
 10 facility as a chief operator?

11 A. I did maintenance work when I  
 12 wasn't filling in or working outside the  
 13 facility.

14 Q. And you reported to who  
 15 administratively?

16 A. Rick.

17 Q. So you would have been 57 then  
 18 when you were promoted to the chief operator?

19 A. I believe that's correct.

20 Q. Did you have any supervisory  
 21 responsibility as the chief operator?

22 A. No, sir.

23 Q. Did you have any contact with the

105

1 public?

2 A. Yes, sir.

3 Q. What contact did you have with the  
 4 public?  
 5 A. Sampling at homes and businesses  
 6 around the community, and discussing water  
 7 problems, water issues that customers might be  
 8 having.

9 Q. Did you have any responsibilities  
 10 in terms of disciplinary action with other  
 11 employees?

12 A. No, sir.

13 Q. Did you have any administrative  
 14 duties?

15 A. Just filing the reports.

16 Q. Did you have any budgetary  
 17 responsibilities?

18 A. No, sir.

19 Q. Were you responsible for any  
 20 anybody's work schedule?

21 A. No, sir.

22 Q. Going back to the contact with the  
 23 public, how would you be advised or learn that

106

1 there was a complaint or a sampling that needed  
 2 to be done?

3 A. Get it from a telephone call that  
 4 was routed to the facility, or directly if  
 5 someone called the facility occasionally by  
 6 Mr. McCarty.

7 Q. Explain to me why you would go out  
 8 and take a sample from somebody's home. They  
 9 were making a complaint about a water issue?

10 A. It's required. The State requires  
 11 that a given number of distribution system  
 12 samples are collected every month, more or less  
 13 at random.

14 Q. So by State requirement you would  
 15 go out and sample a certain number of homes each  
 16 year?

17 A. Correct.

18 Q. I'm sorry, each month?

19 A. Each month.

20 Q. And did you deal with the person  
 21 or would you take the water sample -- where  
 22 would you get the water sample from?

23 A. Well, I would get it at the most

107

108

1 convenient place, which was wherever they happen  
 2 to have a faucet that was convenient for me.

3 Q. You wouldn't have to ask  
 4 permission to get a water sample from a faucet?

5 A. If you have never been to a home  
 6 before, you need to ask permission. Yes, sir.

7 Q. And would you just tell them that  
 8 you were doing a water sample and why?

9 A. Yes, sir.

10 Q. Any other contact or communication  
 11 on a visit like that where you were doing a  
 12 water sample and just letting them know that you  
 13 were doing a water sample?

14 A. That's basically it on that  
 15 particular issue.

16 Q. Other times that you might deal  
 17 with the public would be if there was a  
 18 complaint?

19 A. That's right.

20 Q. What kind of complaints would  
 21 there be?

22 A. Taste and odor. Generally there  
 23 might be color -- discoloration in the water

1 sometimes.

2 Q. As chief operator, were you the  
 3 only person that would have gone out to sample  
 4 or handle a complaint for taste, odor and  
 5 discoloration?

6 A. No, sir.

7 Q. Who else would do that?

8 A. I believe Tony used to do that or  
 9 someone from Tony's office used to do it, and  
 10 Rick McCarty.

11 Q. How many of those did you do after  
 12 you became chief operator?

13 A. I don't recall. A handful  
 14 probably.

15 Q. Would that generate paperwork, a  
 16 report?

17 A. Some of them would have -- if  
 18 there was a sample collected, that would have  
 19 generated paperwork.

20 Q. Would you have to collect a sample  
 21 to handle a complaint for taste and odor?

22 A. Not necessarily, you might.

23 Q. What causes could there be for

109 1 taste and odor complaints?

2 A. Well they never use water from a  
 3 particular faucet, and all of a sudden they  
 4 start using that faucet the water is going to be  
 5 stale. Some hot water heaters will generate  
 6 hydrogen sulfide as they are heating the water,  
 7 and we'll get other problems from hot water and  
 8 not from cold water.

9 Q. And how about discoloration?

10 A. May have, it's a possibility,  
 11 discoloration.

12 Q. Just sitting up in there for a  
 13 while?

14 A. That's correct.

15 Q. And so your best estimate is that  
 16 you may have handled a handful of those kind of  
 17 complaints outside of the office where you dealt  
 18 with the public?

19 A. During the period I was chief  
 20 operator, yes.

21 Q. Any other reason or occasion where  
 22 you would deal with the public or a customer,  
 23 other than the ones we've just talked about?

110 112 1 A. No, sir, not unless it's just a  
 2 casual contact and somebody asked me a question  
 3 about their water.

4 Q. How did you learn about the  
 5 opening or vacancy to the water distribution  
 6 manager position?

7 A. I came in one morning and was told  
 8 that Tony had resigned, was going to another  
 9 job.

10 Q. Where did he go?

11 A. I believe he went to -- whatever  
 12 it is over in Valley, Alabama. It's a water  
 13 authority -- I don't know the name.

14 Q. Did you know he was leaving before  
 15 he resigned?

16 A. I was told about a week before he  
 17 resigned that he was going to resign.

18 Q. Did he tell you that or you just  
 19 heard that scuttlebutt?

20 A. Rick McCarty told me that.

21 Q. What was the reason that you were  
 22 told Tony left?

23 A. More money.

1 Q. Do you remember how long he was  
2 with the water board?  
3 A. No, sir.  
4 Q. Did you ever have any  
5 conversations with him about why he was leaving,  
6 Tony?

7 A. I'm sure I must have.

8 Q. Did he make any negative  
9 statements about the Auburn Water Board as being  
10 a cause of his leaving?

11 A. Not that I recall.

12 Q. So you learned that he was going  
13 to resign and then what was the next step in  
14 your applying for that position?

15 A. I monitored the Auburn City web  
16 site to watch for the job advertisement.

17 Q. Is that how they post vacancies  
18 for the water board is through the Auburn web  
19 site?

20 A. They were doing that at the time.  
21 They didn't always do that and I don't know if  
22 they are doing it now, but at the time they did.

23 Q. How else would they have done it?

1 Do you know?

2 A. I don't know.

3 Q. Your experience when you were  
4 working with the Auburn Water Board is that if  
5 there was a vacancy there at the Auburn Water  
6 Board it would be posted through the city web  
7 site?

8 A. Yes, sir.

9 Q. So you were monitoring that for  
10 the announcement on the promotion procedure for  
11 the water distribution manager?

12 A. That's correct.

13 Q. Did it show up on the web site?

14 A. Yes, sir. I got up one morning  
15 and it was there on the web site.

16 Q. Do they post it like at the water  
17 plant or the home office for the water board --  
18 do they make a physical posting as well, or is  
19 it all --

20 A. It was not posted at the water  
21 plant.

22 Q. It was not posted at the water  
23 plant?

113

1 A. No, sir.

2 Q. And you don't know whether it was  
3 posted -- did you ever have any contact with the  
4 water board office -- where the office?

5 A. No, sir. Only when I went by to  
6 catch a sample from that location.

7 Q. To your knowledge the only posting  
8 was on the web site?

9 A. That's the posting I saw.

10 Q. Did you hear there were other  
11 postings?

12 A. No, sir, I didn't hear.

13 Q. How did you know to tune into the  
14 web site, just experience?

15 A. Yeah. It's on the web site -- if  
16 we wanted information that's where we would go  
17 to.

18 Q. So if you wanted information about  
19 the water board you would go to the Auburn web  
20 site?

21 A. Yes, sir, I would.

22 Q. When you saw the application, did  
23 you apply on-line?

114

1 A. No, sir. I printed an application  
2 from the web site, filled it out, attached my  
3 resume to it, and delivered it that same day to  
4 the personnel office.

5 Q. What's the next thing that  
6 happened towards that promotion procedure?

7 A. I don't recall exactly. There was  
8 some delay and some problems in that there was  
9 some changes made to the job description and to  
10 the salary, and -- there was some delay. I  
11 don't recall specifically how it went down.

12 Q. Did you have any conversations  
13 with anybody at the personnel office about why  
14 there was a delay?

15 A. I think my conversation was  
16 limited to Rick McCarty, he was the plant  
17 superintendent.

18 Q. What did Rick tell you there was a  
19 reason for the delay?

20 A. Just that they wanted to take out  
21 the duties of being responsible for the water  
22 plant operations, so that would no longer be  
23 part of the job duties.

115

1 Q. And then you testified earlier you  
 2 received an e-mail from Nell about the change in  
 3 the salary.

4 A. That's correct.

5 Q. Was that part of this delay and  
 6 change in the job description?

7 A. I only know that there was a  
 8 delay.

9 Q. Was it during this delay period  
 10 that you received a change about the salary?

11 A. It may have been, I'm not certain.

12 Q. Tell me what Tony did when he held  
 13 the position of distribution manager. What did  
 14 he do? What were his day-to-day activities?

15 A. I don't know his day-to-day  
 16 activities because he worked at one office and I  
 17 was working at the water plant.

18 Q. He was not at the plant?

19 A. Rarely at the plant. He made an  
 20 occasional visit maybe four or five times in the  
 21 period that I worked there.

22 Q. In the, what, over six years that  
 23 you were there?

1 A. Yes, sir.

2 Q. Is it fair to say that you did not  
 3 have frequent interaction with Tony?

4 A. Rarely. My interaction was mostly  
 5 limited to him calling and saying the water is  
 6 going to be off, or you need to make more water,  
 7 or whatever because we are doing something.

8 Q. So you cannot really describe what  
 9 his day-to-day responsibilities would have been?

10 A. I can't tell you what his day was  
 11 like. I do know what it takes to manage a water  
 12 distribution system.

13 Q. Tell me when there was a delay in  
 14 the promotion process, and they took out the  
 15 water plant part as you understand it of what  
 16 Tony did, I guess Rick McCarty continued to  
 17 handle the water plant part?

18 A. That's correct.

19 Q. What was the other part that was  
 20 left that Tony did that would have been the  
 21 subject of the promotion to water distribution?  
 22 What else did he do?

23 A. Well, that would be the actual

117 1 day-to-day operation and maintenance of the  
 2 distribution system, including water line  
 3 repairs, extensions, meter readings, and  
 4 whatever other maintenance cleaning lines or  
 5 fire hydrants that needed to be done.

6 Q. As I understand your answer, you  
 7 don't know specifically what Tony did in terms  
 8 of those responsibilities?

9 A. No, sir, I don't know what he did.

10 Q. Going back to your certifications,  
 11 do you know whether or not to do those other  
 12 functions that became the subject of the  
 13 promotion, not the water plant but the other  
 14 areas, did you need a grade -- would a person  
 15 need a grade-four water operator's certificate  
 16 to do those, or do you know?

17 A. No, sir. They would not need a  
 18 grade-four level -- they would need a  
 19 certificate.

20 Q. And you wouldn't need a waste  
 21 water operator's certificate to do those?

22 A. You wouldn't need it if you were  
 23 restricted to the water distribution system. My

1 A. Yes, sir.

2 Q. Is it fair to say that you did not  
 3 have frequent interaction with Tony?

4 A. Rarely. My interaction was mostly  
 5 limited to him calling and saying the water is  
 6 going to be off, or you need to make more water,  
 7 or whatever because we are doing something.

8 Q. So you cannot really describe what  
 9 his day-to-day responsibilities would have been?

10 A. I can't tell you what his day was  
 11 like. I do know what it takes to manage a water  
 12 distribution system.

13 Q. Tell me when there was a delay in  
 14 the promotion process, and they took out the  
 15 water plant part as you understand it of what  
 16 Tony did, I guess Rick McCarty continued to  
 17 handle the water plant part?

18 A. That's correct.

19 Q. What was the other part that was  
 20 left that Tony did that would have been the  
 21 subject of the promotion to water distribution?  
 22 What else did he do?

23 A. Well, that would be the actual

118 1 understanding was that Tony also had some  
 2 involvement of the operation of the waste water  
 3 plant facilities.

4 Q. Well, if you did have involvement  
 5 with the waste water plant, would you have to  
 6 have a grade-four waste water operator's  
 7 certificate?

8 A. Not if you were the -- not the  
 9 actual operator. You would have to have a  
 10 certified operator on duty.

11 Q. Somebody would have to be on duty?

12 A. That's correct.

13 Q. But it wouldn't necessarily have  
 14 to be the person in charge?

15 A. The person in charge would have to  
 16 have, but you if you were -- since it was a  
 17 contract operation, Tony's involvement, he would  
 18 not have been in charge of the operation.

19 Q. Did he have a grade-four water  
 20 operator's certificate?

21 A. I don't believe he did, no, sir.  
 22 I don't think he did.

23 Q. Did he have any certificate for

1 water?  
 2 A. I'm not aware of any certificate  
 3 he may have had.

4 Q. Do you know if he had any  
 5 certificate for waste water operator?

6 A. I'm not aware.

7 Q. Did he have a master plumber's  
 8 license?

9 A. I'm not aware of.

10 Q. Do you know of any certificate  
 11 that Tony had?

12 A. No, sir.

13 Q. Do you know of any certificate  
 14 that would have been required to do that part of  
 15 Tony's job outside of the water plant?

16 A. Yes, sir.

17 Q. What was that?

18 A. He would have had to have a  
 19 certification for water distribution system.

20 Q. Do you have that certificate?

21 A. The grade-four certification  
 22 covers that also.

23 Q. If you are not a grade-four, is

1 there another certificate or certification that  
 2 says water distribution center?

3 A. Grade-one.

4 Q. Does the person who's over that --  
 5 let's say you got that job as water distribution  
 6 manager, would you personally have to have the  
 7 grade-one certificate, or would there just have  
 8 to be somebody on staff to do that work that  
 9 required the grade-one to run the system?

10 A. You would have to have someone on  
 11 staff, but if you were going to do any of the  
 12 work yourself like collecting the samples,  
 13 whatever, you would have to be certified.

14 Q. If you are not certified you would  
 15 have to have somebody there that has a  
 16 certification to collect a sample?

17 A. That actually does the work, all  
 18 of the work the repairs and everything.

19 Q. And to your knowledge Tony did not  
 20 have any of those certifications?

21 A. I'm unaware.

22 Q. You did sampling as the chief  
 23 operator out at the water plant?

121

1 A. That's correct.

2 Q. Is there other sampling that would  
 3 be required?

4 A. Yes, sir.

5 Q. What other type sampling would be  
 6 required?

7 A. Well, if there's any repairs or  
 8 new lines being installed, renovation of old  
 9 lines or water storage tanks, all of that would  
 10 require a new sample. Also customer complaints,  
 11 if you are servicing customer complaints, the  
 12 nature of the complaint might require a sample.

13 Q. Let me ask you this: Was there  
 14 somebody else -- when you were the chief  
 15 operator -- was there somebody else that was  
 16 doing those samplings?

17 A. No, sir. Let me back up. I  
 18 believe there was an employee for the City that  
 19 was doing some sampling.

20 Q. But from the water board, you or  
 21 Rick were the only ones doing samplings?

22 A. That's my understanding, yes, sir.

23 Q. And here's why I'm asking the

122

1 question and you kind of help me with this:  
 2 From what I understood you to say you worked out  
 3 of the water plant, whereas Tony worked out of  
 4 somewhere else?

5 A. Yes, sir.

6 Q. And if somebody called in with  
 7 some of these complaints or needs for water  
 8 samplings for new lines or whatever, do you know  
 9 if there was somebody there where Tony worked  
 10 that would go out and do those samples?

11 A. I don't know.

12 Q. You don't know one way or the  
 13 other?

14 A. I know that samples were taken  
 15 while Tony was there -- since -- after Tony  
 16 left, I don't know.

17 Q. Who took the samples while Tony  
 18 was there?

19 A. I don't know.

20 Q. But from the water plant the  
 21 people that were doing the sampling that you  
 22 talked about the odor, the discoloration, that  
 23 would be either you or Rick?

123

124

1 A. Not necessarily. We only service  
2 those complaints that were directed to us.

3 Q. There could have been complaints  
4 that weren't directed to you?

5 A. That's correct. A lot of  
6 complaints were never directed to us.

7 Q. So there could have been somebody  
8 that worked at what I'm going to call the home  
9 office, or wherever Tony was, that was doing  
10 sampling as well?

11 A. That's correct.

12 Q. You just don't know that one way  
13 or the other?

14 A. I am aware that there were some  
15 samples taken -- I don't know who took them.

16 Q. Do you have reason to believe that  
17 it was somebody other than Tony that took them?

18 A. I don't know.

19 MR. MORGAN: Do y'all want to  
20 break for lunch? It's 12:00.

21 MR. COOKS: Let's take a  
22 break.

23 12:04 PM

125

1 that happened in terms of the promotion  
2 procedure?

3 A. Well, I had gallbladder problems  
4 and had some time off and had gallbladder  
5 surgery. During that time I had received a  
6 notification that my application had been  
7 received by the City of Auburn. I then got a  
8 telephone call asking me to report for an  
9 interview, and I reported for the interview the  
10 very day I returned to work after my surgery.

11 Q. And that was in April that you had  
12 the interview?

13 A. I believe that's correct.

14 Q. Do you remember what day in April?

15 A. I don't recall.

16 Q. I guess when the telephone call  
17 that you had received informing you about the  
18 interview that you were off work?

19 A. Yes, sir, I was at home.

20 Q. And that would have been, I guess,  
21 sometime in March?

22 A. Yes, sir.

23 Q. Well, did that create any problem

127

1 (Lunch break.)

2 1:14 PM

3 Q. (Mr. Morgan) You had printed off  
4 the application for the position off the web  
5 site and filled it out, and then delivered it  
6 that day?

7 A. Yes, sir, along with my resume.

8 Q. And then there was a delay, which  
9 apparently was a result of, I'm going to say,  
10 dividing up not necessarily but changing some of  
11 the responsibilities that Tony may have had --  
12 taking those sort of backing them out and I  
13 guess Rick was going to do part of it -- and  
14 that left open the distribution part that  
15 remained as part of the promotion procedure as  
16 you understood it. Is that true?

17 A. I believe that's true. As far as  
18 I know, that's true.

19 Q. And then you received information  
20 about a decrease in the proposed salary, I  
21 guess?

22 A. Yes, sir.

23 Q. And then what's the next thing

126

1 for you being interviewed the day that you came  
2 back?

3 A. Well, I don't think it necessarily  
4 created a problem for me. I wasn't my hundred  
5 percent self, but other than that...

6 Q. Well, did you ask them to ask  
7 anybody to reschedule you?

8 A. No, sir, I didn't.

9 Q. Did you verbalize to anybody that  
10 was on the interview committee that you were  
11 just returning for the first day?

12 A. Yeah, I started saying that and  
13 Scott shook his head no, so I wasn't supposed to  
14 say that, so I didn't -- I stopped.

15 Q. What did you start to say?

16 A. I said this is my first day back  
17 at work I just had gallbladder surgery -- and  
18 then he cut me off, so I stopped.

19 Q. Well, what did he do to cut you  
20 off?

21 A. Just no, like, you're not supposed  
22 to say that.

23 Q. Did he say no?

128

1 A. I don't recall that he actually  
 2 said no, or just made a gesture, but he cut me  
 3 off.

4 Q. Did you ever talk to him about  
 5 that?

6 A. No, sir. I did talk to him after  
 7 the thing was over and after someone else had  
 8 been hired and I talked to him about the job.  
 9 And I mentioned to him then that I felt that I  
 10 was at a disadvantage.

11 Q. What did he say about that?

12 A. Nothing, no comment.

13 Q. Did everybody interview the same  
 14 day?

15 A. I don't know.

16 Q. How long were you off with the  
 17 gallbladder surgery?

18 A. I believe I was off three to five  
 19 weeks, somewhere in that area -- I'm not  
 20 certain.

21 Q. Where was the surgery performed?

22 A. In the hospital in Opelika.

23 Q. East Alabama?

129

131

1 A. Yes, sir from my previous two  
 2 interviews.

3 Q. And he works for the board.

4 A. Yes, sir.

5 Q. Do you know how old he was at the  
 6 time of the interview?

7 A. No, sir.

8 Q. And then there was a Michael  
 9 Thompson. Do you know Michael Thompson?

10 A. I don't know who he is. The name  
 11 sounds familiar, but I don't know who he is.

12 Q. Do you know how old he is?

13 A. No, sir. There were two younger  
 14 men on the board that I would say in their late  
 15 20s, but I don't know.

16 Q. And then Derrick Godfrey works for  
 17 the board, do you know him?

18 A. I don't know him.

19 Q. Do you know how old he is?

20 A. No, sir.

21 Q. And then Charles Howard worked for  
 22 the board, do you know him?

23 A. I don't know him.

130

132

1 A. Right.

2 Q. Did you stay in the hospital any  
 3 overnight or was it outpatient?

4 A. It was outpatient, but I had to  
 5 return that night. I had the surgery in the  
 6 morning, was sent home and then I had to return  
 7 that night.

8 Q. Do you remember how many people  
 9 were on the interview committee?

10 A. I believe there was six or seven.

11 Q. I'm going to ask you about these  
 12 people: Scott Cummings was on the interview  
 13 committee?

14 A. Yes, sir.

15 Q. And you knew Scott?

16 A. Yes, sir.

17 Q. Do you know how old Scott was at  
 18 the time?

19 A. No, sir.

20 Q. Eric Carson was on the interview  
 21 committee?

22 A. Yes, sir.

23 Q. And you knew Eric Carson?

1 Q. And do you know how old he is?

2 A. No, sir.

3 Q. And then there was a Jill Holland?

4 A. Yes, sir.

5 Q. Do you know her?

6 A. I know who she is.

7 Q. Do you know how old she is?

8 A. No, sir, I don't know.

9 Q. And Kathy Bullard, do you know

10 her?

11 A. I don't know her, but I believe  
 12 she's the lady that was sitting right next to  
 13 me.

14 Q. Do you know how old she is?

15 A. No, I don't.

16 Q. Do you know whether or not any of  
 17 the people on the interview committee were in  
 18 their '50s?

19 A. I would think that the last lady  
 20 you mentioned probably was, but that's a guess.

21 Q. How long did the interview last?

22 A. I think it was 30 minutes, 20  
 23 minutes -- 30 minutes, somewhere in that area.

1 Q. Tell me what sort of format they  
 2 followed. Did everybody ask you questions? One  
 3 person? What went on in the interview?

4 A. Scott opened the interview and  
 5 then he asked for people to ask questions, some  
 6 did and some didn't.

7 Q. Do you remember how many questions  
 8 you were asked?

9 A. No, sir, I don't.

10 Q. Do you remember who asked you  
 11 questions?

12 A. The lady to my right asked a  
 13 question -- Jill asked a question, one of the  
 14 younger men that was sitting directly opposite  
 15 of me at the other end of the table asked some  
 16 questions, and Scott asked some questions.

17 Q. Did you think the questions were  
 18 appropriate for the position you were applying  
 19 for?

20 A. I suppose some were and some  
 21 weren't.

22 Q. Tell me what questions you  
 23 remember that you think were not appropriate?

1 A. Well, I can't recall all of the  
 2 questions right now. I just -- I think some  
 3 were asking about my -- well, I can't think --  
 4 no, I'm sorry I just can't recall any right now.

5 Q. Do you recall admitting during the  
 6 interview that you had not read the job  
 7 description?

8 A. I do recall that I had not read  
 9 the revised job description, because it came out  
 10 while I was on sick leave.

11 Q. Well, did you read the first job  
 12 description?

13 A. Yes, sir.

14 Q. But didn't read the revised one?

15 A. That's correct.

16 Q. Well at the time that you made  
 17 application and had the interview, what was your  
 18 understanding as to what you would be doing if  
 19 you were hired as the water distribution  
 20 manager?

21 A. I would be interfacing with the  
 22 office staff to process work orders, which would  
 23 be customer complaints, new services, meter

133

1 readings, disconnects and reconnects and  
 2 repairs, and schedule general maintenance work.

3 Q. Where did you get that  
 4 understanding?

5 A. Got that understanding from the  
 6 original job description.

7 Q. Had you talked to Tony Segrist  
 8 before your interview about what he actually did  
 9 on that part of his job?

10 A. I didn't talk to him about that  
 11 part of his job. When I talked to Tony, the job  
 12 had not been separated.

13 Q. Did you talk to him in general  
 14 about what he did?

15 A. Yes, sir, I'm fully aware of what  
 16 he did.

17 Q. What did he tell you he did?

18 A. Well, he told me he ran the  
 19 distribution, that's what he said, and that most  
 20 of his problem was getting people to work and on  
 21 time.

22 Q. So what he told you was he ran the  
 23 distribution part of it?

134

1 A. That's correct.

2 Q. Do you recall admitting during  
 3 your interview that you were weak on paperwork  
 4 and documentation?

5 A. No, sir, I never said that.

6 Q. Did you say anything similar to  
 7 that?

8 A. I said -- when they -- they said  
 9 what is your weakest area? I said I don't have  
 10 any weak areas. And they said, if you had to  
 11 name one. And I said I hate doing paperwork and  
 12 I assume things that you don't like doing are  
 13 probably the things that you don't do as well,  
 14 but I also -- and I said but -- I use computers  
 15 a great deal and that makes up for the paperwork  
 16 and cuts way down on it.

17 Q. As we sit here today are there any  
 18 other questions that you can think of that you  
 19 were asked or any other information that you  
 20 provided the interview committee?

21 A. I remember being asked to  
 22 categorize some things in order of importance,  
 23 but I don't remember specifically what they

135

1 were, like customer service and employees and  
 2 things like that. I remember being asked  
 3 several questions about contractors, but there  
 4 was no delineation of what they meant by  
 5 contractors -- whether it was contractors  
 6 working for the water board, or contractors  
 7 developing, or contractors building houses.  
 8 There was no identification as to what type of  
 9 contractor they were talking about.

10 Q. What kind of questions were you  
 11 asked about the contractors?

12 A. I don't remember specifically. I  
 13 think they were saying that they had a lot of  
 14 problems with contractors in the area -- I don't  
 15 know what that means.

16 Q. Did you ask them which kind of  
 17 contractor they were talking about?

18 A. I didn't ask, because as long as I  
 19 wasn't asked a question about what they were  
 20 doing specifically -- I didn't ask.

21 Q. Well, what was the nature of the  
 22 question: How well do you get along with  
 23 contractors? Can you handle contractors? I

137

1 mostly land developers and house builders.

2 Q. How about Jackson Water Board?

3 A. Again, mostly land developers and  
 4 house builders. Most of the expansion we did,  
 5 we did on our own, in-house labor.

6 Q. Now, in your complaint you allege  
 7 that when you entered the room one of the  
 8 individuals began shaking his head no and made  
 9 negative gestures and comments during the

10 interview?

11 A. Correct.

12 Q. I assume that was a male?

13 A. Yes, sir.

14 Q. Who is that person?

15 A. I don't know the man's name. He  
 16 was a younger man. He was sitting around in the  
 17 middle of the table to my left near Scott  
 18 Cummings.

19 Q. Was he black or white?

20 A. White.

21 Q. And you know it wasn't Scott or  
 22 Eric?

23 A. No, sir.

138

1 mean, what do you recall the question being?

2 A. It was something of that sort:  
 3 Can you work with contractors? Well, yeah, I've  
 4 worked with contractors for many, many years,  
 5 all types of contractors.

6 Q. Where all have you worked with  
 7 contractors?

8 A. Well, I had a great deal with -- I  
 9 worked with contractors at Mobile County Water,  
 10 Sewer and Fire Protection Authority. We did  
 11 some major expansion while I was there, so that  
 12 was our contractors. We dealt with house  
 13 builders and land developers all of the time.  
 14 It's just a matter of course.

15 Q. How about with the City of Jackson  
 16 Water Board or Professional Services Group, did  
 17 you work with any contractors there?

18 A. Yes, sir, I sure did.

19 Q. What would be the nature of  
 20 working with contractors with Professional  
 21 Services Group when you were in Demopolis?

22 A. We had land developers there. And  
 23 we had a little bit of expansion of our own, but

139

1 mostly land developers and house builders.

2 Q. And if Charles Howard is black,

3 then that leaves either Michael Thompson or

3 Derrick Godfrey.

4 A. Yes, sir.

5 Q. And you don't know which one of

6 those it was?

7 A. No, sir, I don't know the name.

8 Q. Can you give me a physical

9 description of this person?

10 A. I don't really -- sort of a stout  
 11 build, but he wasn't standing up, so I can't  
 12 tell how tall he was -- he was sitting all the  
 13 time, but he was kind of a heavy-built.

14 Q. Did he wear glasses?

15 A. I don't recall.

16 Q. Do you remember how he wore his  
 17 hair?

18 A. I don't recall.

19 Q. Was he balding? Did he have hair?

20 A. He had hair. He had hair -- it

21 was a younger man.

22 Q. Do you know what color his hair  
 23 was?

140

1 A. No, I don't.  
 2 Q. Anything else you can remember  
 3 other than he appeared to be stout?  
 4 A. No, sir.  
 5 Q. Did he ask you a question?  
 6 A. No, sir, he never asked a  
 7 question.  
 8 Q. Well, there were, I guess, two  
 9 white males there that, from your testimony, you  
 10 didn't know: Michael Thompson and Derrick  
 11 Godfrey. Did either of those ask you questions?  
 12 A. Yes, sir.  
 13 Q. One of them asked you questions?  
 14 A. Yes, sir. One asked me questions  
 15 regarding the computer software that I was  
 16 familiar with, which is an extensive list.  
 17 Q. And then the other one is the one  
 18 that you say was shaking his head no and making  
 19 negative gestures?  
 20 A. That's correct.  
 21 Q. Because he did not ask you  
 22 questions?  
 23 A. I don't recall him asking any

1 questions, no, sir.  
 2 Q. Did you ask him why he was shaking  
 3 his head no?  
 4 A. No, sir, I didn't.  
 5 Q. Well, did anybody articulate any  
 6 reason why this person would be shaking his head  
 7 no?  
 8 A. No, sir.  
 9 Q. And you say throughout the  
 10 interview he made negative gestures?  
 11 A. Well, he was just constantly  
 12 hanging his head down and shaking his head no,  
 13 and looking around and shaking his head no and  
 14 looking around.  
 15 Q. Do you have any idea why he would  
 16 be doing that?  
 17 A. I assume it meant that he didn't  
 18 like me, but that's an assumption.  
 19 Q. Nobody's ever given you any reason  
 20 if that happened, why that happened?  
 21 A. No, sir.  
 22 Q. Did you ever talk to Scott or Rick  
 23 or anybody about that?

141 1 A. No, sir.  
 2 Q. How did the interview conclude?  
 3 A. I'm not sure.  
 4 Q. Well, I mean, were you satisfied  
 5 with the way it went? Unhappy with the way it  
 6 went?  
 7 A. Well, I don't know. I felt like I  
 8 had made a good representation of myself. I had  
 9 a closing statement in which I said that I had  
 10 already been with the company for a long time  
 11 and they knew the quality of my work and that  
 12 I'd like to get the promotion.  
 13 Q. Had you had any disciplinary  
 14 actions, reprimands, or write-ups up to that  
 15 point as an employee?  
 16 A. No, sir.  
 17 Q. Now as you've articulated what you  
 18 understand that job involved, was there anything  
 19 from your position as chief operator that you  
 20 thought would provide a good background or was  
 21 similar to the new position that you were trying  
 22 to get?  
 23 A. My knowledge of water would have

142 1 been a great asset dealing with customer  
 2 complaints. The fact that I had previously, in  
 3 other jobs, handled billing systems and computer  
 4 networks and things of that sort, I also felt  
 5 that would help me to contribute to the overall  
 6 welfare of the operation.  
 7 Q. How about in your position as  
 8 water plant operator -- was there anything in  
 9 that position that you thought provided a good  
 10 background, would have been an asset for the  
 11 position you were trying to get?  
 12 A. My reliability and dedication to  
 13 the job, the fact that I knew the capacity and  
 14 the quality of the water that we were producing  
 15 and delivering to the citizens of Auburn.  
 16 Q. How about in any of your prior  
 17 jobs that you had before you came with the water  
 18 board?  
 19 A. I think in all of my -- well, in  
 20 most of my prior jobs the distribution system  
 21 had always been part of my responsibility.  
 22 Q. Now let me ask you a question this  
 23 way: In terms of your duties as chief operator,

1 were any of the duties that you did as chief  
 2 operator duties that you understood you would be  
 3 doing in that new position?

4 A. Customer complaints and sampling  
 5 to a degree.

6 Q. Is there anything in the water  
 7 plant operator position that you thought you  
 8 would be doing in your new position?

9 A. No.

10 Q. Is there anything in your prior  
 11 jobs that you thought you would be doing in this  
 12 new position that you had done before?

13 A. Yes, sir.

14 Q. What was that?

15 A. All sorts of maintenance of the  
 16 water system, meter reading, repairs, scheduling  
 17 of work, budgeting, reporting.

18 Q. Did you use computer programs in  
 19 your job with Professional Services Group?

20 A. Yes, sir.

21 Q. How about with the Jackson Water  
 22 Board, did you use computers there?

23 A. Yes, sir.

1 Q. Did you use computers with the  
 2 Mobile County Water, Sewer and Fire?

3 A. Yes, sir.

4 Q. Did you use computers with Lake  
 5 Forest Utilities?

6 A. No, sir.

7 Q. Did you use computers with the  
 8 City of Saraland?

9 A. No, sir.

10 Q. Did you use the computers with the  
 11 City of Prichard?

12 A. No, sir.

13 Q. Did you use your computers in your  
 14 first position with the Mobile Water System?

15 A. No, sir.

16 Q. In which one of those earlier  
 17 systems that you worked were you responsible for  
 18 the billing?

19 A. I guess Lake Forest Utilities was  
 20 the first.

21 Q. Did you actually do the billing,  
 22 or did you just oversee that administratively?

23 A. I actually computed problem bills,

1 but generally I oversaw the operation.

2 Q. Any other of the places that you  
 3 worked that you had either hands-on  
 4 responsibility for billing or administratively  
 5 responsible for billing?

6 A. Mobile County Water Sewer and Fire  
 7 Protection Authority.

8 Q. Any others?

9 A. Limited amount at Professional  
 10 Services Group.

11 Q. In your opinion, what part of the  
 12 job that you were trying to seek on the  
 13 promotion required a background in water?

14 A. All of it.

15 Q. Without any exception?

16 A. I think you have to know the  
 17 product you are dealing with.

18 Q. Well, do you think you could be an  
 19 effective water distribution manager if you did  
 20 not have a background in water?

21 MR. COOKS: Object to the  
 22 form. You can answer if you can.

23 A. I do have a background in water.

1 I mean, that's a situation I can't imagine.

2 Q. (Mr. Morgan) Well, let's say  
 3 another person didn't have a background in  
 4 water. Would that person, if they were able to  
 5 do the other things that you've described as  
 6 being necessary, would they be able to do an  
 7 effective job as a water distribution manager in  
 8 your opinion?

9 MR. COOKS: Object to the  
 10 form.

11 A. I don't think so.

12 Q. (Mr. Morgan) Why not?

13 A. Because even reading meters  
 14 requires a knowledge of how meters work.

15 Q. Let's see. You've talked reading  
 16 meters. Did you understand that Tony actually  
 17 read meters?

18 A. I don't believe that Tony read  
 19 meters because he was responsible for having the  
 20 meters read.

21 Q. What else did you say was your  
 22 understanding of job positions that he did:  
 23 Maintenance?

1 A. I think he was in charge of all of  
 2 the distribution system: The maintenance of the  
 3 lines, the fire hydrants, the water meters, the  
 4 flushing of lines.

5 Q. Is it your understanding that Tony  
 6 actually did the maintenance?

7 A. I don't believe that he actually  
 8 did the maintenance. I do know that I saw him  
 9 standing over many a hole watching people do the  
 10 job to see that it was done correctly.

11 Q. Do you know whether or not he  
 12 actually did any of the sampling?

13 A. I believe that he did from  
 14 discussions with him. I never saw him take a  
 15 sampling.

16 Q. And scheduling, I guess he did the  
 17 scheduling?

18 A. I'm sure he would have scheduled  
 19 in coordination with the office staff.

20 Q. What else was it that you thought  
 21 that that job entailed: Maintenance, reading  
 22 meters, sampling, scheduling, interface with the  
 23 office staff?

1 A. There would have been that, there  
 2 would have been customer complaints, there would  
 3 have been expansion projects that he would need  
 4 to review and comment on.

5 Q. What's the next step that happened  
 6 after your interview? What happened next in  
 7 terms of the promotion procedure?

8 A. Well, again, there was a long  
 9 delay and I didn't hear anything for a while.  
 10 And I found out that someone had been hired for  
 11 the position, unofficially when I went into work  
 12 way day. One of the other operators told me  
 13 that someone has been hired.

14 Q. Who is that?

15 A. Who?

16 Q. Told you.

17 A. Martin Squires, I believe, is the  
 18 first to tell me that.

19 Q. Did he tell you how he knew?

20 A. He said Rick McCarty told him.

21 Q. Did he tell you who had been  
 22 hired?

23 A. He didn't know the man's name. He

149

151

1 said that he understood that he was working at a  
 2 store in the area and had no water experience at  
 3 all.

4 Q. Anything else that Martin Squires  
 5 told you initially about the hire?

6 A. I believe he told me that he  
 7 worked at a grocery store or that he thought he  
 8 had worked at a grocery store -- I believe  
 9 that's what he told me -- the he thought he  
 10 worked at a grocery store or a meat store or  
 11 something of that sort.

12 Q. And that's the first word that you  
 13 heard?

14 A. That's correct.

15 Q. Did Martin tell you when he found  
 16 out?

17 A. No, sir.

18 Q. What did you do with that  
 19 information?

20 A. I waited for Rick McCarty to come  
 21 to work.

22 Q. And did you talk to Rick that  
 23 day?

150

152

1 A. Yes, sir, I did.

2 Q. What was y'all's conversation?

3 A. The conversation was that someone  
 4 had been hired and he had no experience, but he  
 5 was a younger man and there was going to be a  
 6 stiff learning curve on this new job, and so  
 7 they felt like he would be a better fit.

8 Q. Now, did Rick refer to him as a  
 9 younger man?

10 A. Yes, sir.

11 Q. He used those words?

12 A. Yes, sir.

13 Q. Did he tell you how he knew that?

14 A. No, sir, he didn't.

15 Q. Did Rick know who he was?

16 A. I don't believe he told me his  
 17 name. I don't know if he knew it or just didn't  
 18 tell me.

19 Q. How did he know he was a younger  
 20 man?

21 A. I don't know.

22 Q. Now, on your application for that  
 23 position, isn't it true there was nowhere to put

1 your age or date of birth?  
 2 A. I don't recall that -- probably  
 3 not -- I don't recall.  
 4 Q. And Rick was not on the interview  
 5 committee?  
 6 A. No, sir, he wasn't.  
 7 Q. Do you know of any input that Rick  
 8 had in terms of the promotion?  
 9 A. No, sir.  
 10 Q. Did he make any comments in this  
 11 conversation where he told you that this was a  
 12 younger man and there was going to be a stiff  
 13 learning curve -- did he make any comments that  
 14 the person who was selected for that position  
 15 was hired because he was younger?  
 16 A. No, sir. He just said that that's  
 17 what he had been told and that I would be a  
 18 better fit where I was, according to Scott. He  
 19 said Scott said that -- he was telling me what  
 20 Scott had said.  
 21 Q. Did you ask Rick the significance  
 22 of being told there was a stiff learning curve?  
 23 A. I gave Rick a quick rundown of my

153 1 mean they discriminate against you?  
 2 A. Well, as I said, I was told that  
 3 they hired a younger man.  
 4 Q. By Rick?  
 5 A. Yes, sir.  
 6 Q. Who did not elaborate to you that  
 7 that was the reason the person was hired?  
 8 A. No, sir, he did not.  
 9 Q. But you just assumed that at that  
 10 point?  
 11 A. I assumed at that point that if  
 12 they hired a younger man with no experience  
 13 instead of hiring an experienced older man they  
 14 were being discriminatory, yes, sir.  
 15 Q. And do you know how old the person  
 16 is that was hired?  
 17 A. No, sir, I don't know his age.  
 18 Q. Have you ever seen him?  
 19 A. Yes, sir, I have met him.  
 20 Q. So what happened after you had  
 21 this conversation with Rick? What did you do  
 22 next?  
 23 A. Rick immediately got on the

154 1 education and my abilities, and I told him I'm  
 2 just being discriminated against flat-out.  
 3 Q. In that first conversation you  
 4 told him that?  
 5 A. Yes, sir, sure did.  
 6 Q. Well, what did you understand when  
 7 Rick said that there was going to be a stiff  
 8 learning curve? What did you understand that  
 9 meant?  
 10 A. Well, I'm not -- at the time I  
 11 didn't have any idea what that meant, but  
 12 apparently if you don't know anything at all  
 13 about the job it's a pretty steep learning  
 14 curve.  
 15 Q. Well, why did you think  
 16 immediately that you were being discriminated  
 17 against?  
 18 A. Because I'm not a person that  
 19 needs -- you don't need to be concerned about a  
 20 learning curve to me. I'm quite capable of  
 21 learning things very quickly.  
 22 Q. Well, assume that's true. Just  
 23 because they hire somebody else, why does that

156 1 telephone after I told him that I was being  
 2 discriminated against, that I felt that I was  
 3 being discriminated against. He got on the  
 4 telephone, and then he took his portable phone  
 5 and left the office and went out back behind the  
 6 building so that the people in the office  
 7 couldn't hear what was being said. And then he  
 8 came back later and told me that Scott Cummings  
 9 wanted to talk to me.  
 10 Q. Did you talk to Scott?  
 11 A. Yes, sir, I did talk to Scott. I  
 12 believe I talked to him on the telephone just  
 13 long enough for him to tell me that he wanted to  
 14 set up an appointment to meet with me.  
 15 Q. Did y'all set up an appointment?  
 16 A. Yes, sir.  
 17 Q. Where was the appointment?  
 18 A. He came to the water plant where I  
 19 was working.  
 20 Q. Who was present during the meeting  
 21 with you and Scott?  
 22 A. He closed the door so there was  
 23 only he and I.

1 Q. And nothing about that meeting was  
2 taped, right?

3 A. No, sir.

4 Q. Did Rick tell you he thought you  
5 would be a better fit or that Scott had said --

6 A. Scott said that, that's what he  
7 said.

8 Q. Did you ask Rick what he meant by  
9 that?

10 A. No, sir. At that point I was  
11 angry.

12 Q. So what went on in this  
13 conversation between and you Scott?

14 A. Scott told me that they had hired  
15 this other man because he thought they had -- he  
16 had more experience in dealing with the public,  
17 which I thought was odd. And he went on to tell  
18 me that he wanted to hire someone in this  
19 position that would be there for a long time,  
20 indicating to me that he thought I was too old.

21 Q. What else was said in that  
22 conversation between the two of you?

23 A. I don't recall anything else.

157

1 Scott said the person that was hired had more  
2 experience dealing with the public?

3 A. Well as I said, I've been in the  
4 utility business for quite a while. And when  
5 you are in the utility business you don't have  
6 one or two customers -- you have thousands of  
7 customers and you have to deal with some of them  
8 all the time -- it's a constant thing.

9 Q. Yeah, but when we went through  
10 your employment earlier this morning you didn't  
11 indicate that you had any extensive experience  
12 dealing with customers.

13 A. As a manager, anything that  
14 anybody couldn't handle whether it was in the  
15 distribution system, the billing office or even  
16 the fire system, I had to handle it. Some of  
17 the customers actually would ask to see me when  
18 they first came in the door. They didn't want  
19 to talk to anybody but the manager.

20 Q. Well, would that have been the  
21 case at Professional Services Group?

22 A. Yes, sir.

23 Q. Was that one of the reasons why it

159

1 There was more conversation, some of it was  
2 trivial matters. I believe I explained to him  
3 how I happened to be working there in Auburn in  
4 the first place and why I had been willing to  
5 settle for an operator's job.

6 Q. Well, why had you been willing to  
7 settle for an operator's job?

8 A. Well, because I had just gone  
9 through a divorce, a lost job and some problems  
10 with one of my daughters.

11 Q. But nobody from Auburn promised  
12 you anything other than offering you a job as a  
13 water plant operator, did they?

14 A. No, they didn't.

15 Q. What was Scott's response to that?

16 A. He just said he wished he'd known  
17 all of that earlier.

18 Q. Anything else that y'all talked  
19 about?

20 A. Again, we talked about a good  
21 bit -- some of the things trivial -- and I don't  
22 recall the whole conversation.

23 Q. Why did you think it was odd that

158

1 lost a contract with Demopolis because the  
2 customer complaints were not being handled  
3 properly?

4 A. No, sir. As a matter of fact,  
5 while I was there we renewed the contract, we  
6 went through a three-year contract and renewed  
7 the contract again.

8 Q. But you were there when they  
9 decided to drop the contract?

10 A. Yes, sir, I was.

11 Q. When he made the statement,  
12 according to you, that he wanted to hire someone  
13 who would be there for a long time, why did that  
14 indicate to you that you were too old?

15 A. Well, I assume that he was saying  
16 that I'm too -- he asked -- in fact now that you  
17 said that, I do recall. He asked how long it  
18 was to my retirement age, so he was definitely  
19 aiming that toward my retirement age -- but I  
20 recall him asking how long before you are going  
21 to be retiring.

22 Q. Now, when did he ask you that?

23 A. Sometime during the conversation.

160

1 Q. What did you tell him?  
 2 A. I told him I assumed I would work  
 3 until I died, I believe.

4 Q. And after that is when you claim  
 5 he made the comment that he wanted to hire  
 6 somebody to be there a long time?

7 A. Yes, sir.

8 Q. I want to be clear on this. You  
 9 said that after you told Scott about why you  
 10 wound up at Auburn and going through a divorce  
 11 and a problem you had with your daughter, that  
 12 he'd wished he'd known that. Did he make any  
 13 comment --

14 A. He didn't make any further  
 15 comment.

16 Q. Well, what percent of your job  
 17 would you say dealt with the public when you  
 18 worked at Professional Services Group?

19 A. Probably 20 percent.

20 Q. Twenty percent of your time was  
 21 spent on customer complaints?

22 A. Yes, sir.

23 Q. How about Water Board of the City

1 of Jackson?

2 A. Probably -- well, it varied there  
 3 because we had some issues where I had constant  
 4 every day, nothing but customer complaints when  
 5 I first arrived. We were able to work out those  
 6 issues, and it settled down after a few months  
 7 to probably 10 or 15 percent.

8 Q. Did you tell Scott during this  
 9 first conversation that you thought you were  
 10 being discriminated against?

11 A. Yes, sir.

12 Q. What did he say about that?

13 A. He didn't make any comment.

14 Q. Did you tell him you planned on  
 15 suing?

16 A. No, sir, I did not. I did tell  
 17 him that I thought bad things happen because  
 18 good people didn't stand up for themselves.

19 Q. What did he say about that?

20 A. He didn't make any comment.

21 Q. What's the next thing that  
 22 happened? Did you have anymore conversations  
 23 with Rick or Scott?

161

1 A. I worked with Rick every day.

2 Q. Did y'all talk about this?

3 A. Scott made several visits to the  
 4 plant specifically to talk to me and to discuss  
 5 this, all of the time trying to tell me that I  
 6 should be happy right where I am.

7 Q. How many conversations did you  
 8 have with Scott altogether?

9 MR. COOKS: Object to the  
 10 form. You mean subsequent to the one we just  
 11 got through talking about.

12 MR. MORGAN: Yeah.

13 Q. (Mr. Morgan) Counting the first  
 14 one, how many did you have with him altogether?

15 A. Three or four -- I'm not sure --  
 16 some of them on the phone and two or three here  
 17 at the plant.

18 Q. And what was discussed in these  
 19 subsequent meetings?

20 A. As I said he assumed to say that I  
 21 ought to be quite content where I was -- that I  
 22 was doing a good job, he was happy with my work,  
 23 and that I should be happy there.

162

1 Q. And what would you say to him?

2 A. I said the other job pays twice as  
 3 much.

4 Q. And what did he say?

5 A. No comment.

6 Q. Well, did he make anymore

7 references -- do you claim he made anymore  
 8 references in any of these other conversations  
 9 about retirement, your age, a longtime employee  
 10 or anything?

11 A. No, sir. The message I got from  
 12 Rick McCarty was that the Human Resources  
 13 Department had said that we could no longer talk  
 14 and discuss the matter.

15 Q. That who could no longer talk and  
 16 discuss the matter?

17 A. Rick and I, or Scott and I.

18 Q. But you said Scott came out there  
 19 and talked to you two or three times?

20 A. This was after -- prior to the --  
 21 what Rick telling me that Human Resources said  
 22 that we couldn't talk anymore.

23 Q. Were you still employed with the

163

1 water board when you filed your EEOC complaint,  
 2 or did you file your EEOC complaint after you  
 3 left the water board?

4 A. I was still employed with the  
 5 water board.

6 Q. Well, did you have two or three  
 7 conversations with Scott in addition with that  
 8 first one before Rick said y'all couldn't talk  
 9 about it?

10 A. Yes, sir.

11 Q. Did Scott, in any of those  
 12 conversations, do you claim he made any  
 13 statements about your age, or retirement, or  
 14 younger employee, or working there a long time,  
 15 or anything in any of those subsequent  
 16 conversations?

17 A. As I said in the subsequent  
 18 conversations, he kept trying to convince me  
 19 that I should be just happy right where I was.

20 Q. So to answer to my question, there  
 21 were no more comments about somebody being there  
 22 a long time, or your retirement or anything?

23 A. No, sir.

165

1 retirement, hiring a younger person, working  
 2 there a long time, anything dealing with age?  
 3 A. I don't recall any, but as I said  
 4 I work with Rick every day and, you know, we had  
 5 conversations of one form or another every day.

6 Q. Well, did Rick express any  
 7 opinions he had on the new hire?

8 A. No, sir.

9 Q. Did he ever make the comment to  
 10 you that Kyle should never have been hired?

11 A. No, sir, never made that comment  
 12 that I recall.

13 Q. How about Martin Squires, did you  
 14 have any further conversations with him about  
 15 the new hire?

16 A. I'm sure I did.

17 Q. Anything in particular that you  
 18 remember?

19 A. I don't recall. I'm sure that  
 20 having worked with the operators there and  
 21 being, you know, friends with them, that it was  
 22 well-discussed, but I don't recall any  
 23 specifics.

167

1 Q. And then did you have anymore  
 2 conversations with Rick McCarty about why you  
 3 were not promoted?

4 A. No, sir.

5 Q. Other than that first one where he  
 6 told you what he said Scott had told him, that's  
 7 the only time you discussed it with him?

8 A. I had other conversations with  
 9 Rick since then. I had -- I had a couple of  
 10 incidents that -- where I was told that I had to  
 11 perform the duties of the distribution system  
 12 manager because the person they had employed  
 13 wasn't able to do the job, didn't have the  
 14 knowledge and certification to do the work.

15 Q. Well, I'm going to get to that in  
 16 a minute. But my understanding is from what  
 17 you've testified, Rick told you that morning  
 18 after you had talked to Martin that Scott said  
 19 he hired a younger man?

20 A. Yes, sir.

21 Q. Are there any other conversations  
 22 you had with Rick or any other comments Rick  
 23 made about your age, the new person's age,

166

1 Q. Do you recall anything that Martin  
 2 Squire said about your age or the new hire's  
 3 age?

4 A. I don't recall.

5 Q. Do you remember anything  
 6 derogatory that Martin Squire said about the new  
 7 hire, Kyle?

8 A. I don't know that he knew the new  
 9 hire.

10 Q. In fact he doesn't work with him  
 11 at all, does he?

12 A. Not that I'm aware of. I don't  
 13 really know since I've left.

14 Q. Any other coemployees at the water  
 15 plant that you had any conversations with about  
 16 the promotion or the new hire, Kyle, or age?

17 A. I'm sure that I discussed it with  
 18 all of them.

19 MR. COOKS: Let him finish his  
 20 question before you answer.

21 Q. (Mr. Morgan) Do you remember  
 22 anything in specific that you had conversations  
 23 with any of them about?

168

1 A. No, sir.  
 2 Q. Do you remember any of the people  
 3 that worked with you at the water plant making  
 4 any negative comments about Kyle?  
 5 A. No, sir.

6 Q. Do you remember any of them at the  
 7 water plant where you worked making any comments  
 8 that a younger person was hired and you weren't  
 9 hired because of your age?

10 A. I'm sure that comment was made, I  
 11 don't recall anybody specifically making it.

12 Q. Did you make it?

13 A. Yes, sir, for sure I made it.

14 Q. Did anybody else make it?

15 A. I'm sure that I had some  
 16 agreement, yes, sir, but I don't recall who  
 17 might have agreed to it.

18 Q. And so at some point Rick said  
 19 that HR said not to discuss it any further?

20 A. Correct.

21 Q. Did you have any conversations  
 22 with him about this matter after that, with  
 23 Rick?

169

1 A. Yes, sir. He told me he needed me  
 2 to handle the customer complaints.

3 Q. Well, how does Rick get involved  
 4 indirectly?

5 A. Rick was not present at the time.  
 6 But I had a raise that I was due, the raise was  
 7 held up, and a comment on my evaluation was that  
 8 I failed to cooperate with the distribution crew  
 9 in collecting samples or something to that

10 effect.

11 Q. And so you discussed it with Rick?

12 A. Yes, sir.

13 Q. Rick never asked you to go do  
 14 something for the distribution manager?

15 A. No, sir. Rick did not. Rick was  
 16 not present at the time.

17 Q. Your indirect conversation about  
 18 all of this was Rick, was your raise held up?

19 A. Rick told me about the problems  
 20 and the distribution system.

21 Q. That he was upset because there  
 22 were some water line problems?

23 A. Yes, sir.

171

1 A. Not directly this matter.

2 Q. Well, what indirectly did you  
 3 have?

4 A. As I said I was told that I was  
 5 going to have to go out and perform some of the  
 6 duties.

7 Q. I'm going to get to that in just a  
 8 minute. How about Scott, anymore conversations  
 9 with Scott about the promotion and not getting  
 10 it?

11 A. The same type of indirect  
 12 conversation.

13 Q. Well, what did Rick and Scott,  
 14 either one or both, tell you that you had to do  
 15 that you don't think you should have done?

16 A. I was told that the new man had  
 17 caused an upset in the water lines in a certain  
 18 part of town, and that he wasn't qualified to  
 19 take the samples, and they wanted to take  
 20 samples out there to assure everyone that the  
 21 water was safe to drink. As a matter of fact  
 22 Kyle, himself called me.

23 Q. He talked to you?

170

1 Q. Rick told you that?

2 A. Yes, sir, Rick told me about the  
 3 upset in the distribution system. Kyle called  
 4 me to go out and work on it.

5 Q. What area of town was this?

6 A. I don't know.

7 Q. Well, at what point did Rick tell  
 8 you that people were upset because of something  
 9 the distribution person had caused in the water  
 10 line? Was that when you were talking to him  
 11 about your raise?

12 A. No, sir. No, sir, he had been to  
 13 a visit at the office and he came back and said  
 14 there are some problems in this one subdivision  
 15 because of a pump that was turned on and the  
 16 water lines weren't flushed prior to turning it  
 17 on, and as a result the water is brown all over  
 18 the neighborhood.

19 Q. Is that before or after Kyle asked  
 20 you to go ask out and take some samples?

21 A. Kyle called me later that same day  
 22 telling me he needed me to go out and fix it.

23 Q. So Rick told you about the problem

172

1 earlier and then Kyle -- well, did Rick say it  
2 was Kyle's fault?

3 A. He didn't say whose fault it was.  
4 It's a distribution system problem -- it's the  
5 distribution system manager's fault.

6 Q. And so Kyle called and asked you  
7 to go out and fix it that same day?

8 A. Told me that he needed me to go do  
9 this, I was supposed to go do this. I was  
10 supposed to go take samples and supposed to go  
11 talk to the customers and calm them down. I  
12 told him I would have to talk to Scott before I  
13 could do that.

14 Q. And that was a conversation that  
15 you had directly with Kyle?

16 A. Yes, sir.

17 Q. Rick didn't through some third  
18 party, tell you you needed to do that -- Kyle  
19 told you you needed to do that?

20 A. Kyle told me that.

21 Q. Why would you have to talk to  
22 Scott?

23 A. Because I didn't think it was my

1 duty to go out and do this man's job for him.

2 Q. Wouldn't Kyle have been your  
3 superior?

4 A. No, sir. According to -- what I  
5 was told the job description was revised to be  
6 he had no authority over the water plant.

7 Q. Did you make the comment at that  
8 time or later in regard to this request from  
9 Kyle that you were not going to be a team  
10 player?

11 A. No, sir.

12 Q. You never made the statement that  
13 you were not going to be a team player?

14 A. No, sir, I have never made that  
15 statement.

16 Q. Did you talk to Scott about it?

17 A. Scott phoned -- well, actually I  
18 believe I called Scott and he wasn't in, and I  
19 left a message and he called back.

20 Q. What happened when you talked to  
21 Scott?

22 A. Told him I didn't think it was my  
23 responsibility. It should be the job of the

173

1 distribution system manager to take care of  
2 those problems.

3 Q. What did Scott say?

4 A. Scott said, well, okay if you feel  
5 that way fine, and slammed the phone down.

6 Q. So did you do it?

7 A. No, sir. I had already explained  
8 to Kyle that I had no transportation. The truck  
9 that I normally drove was broke down, I wouldn't  
10 have any transportation to get out there.

11 Q. I thought you told Kyle you had to  
12 talk to Scott?

13 A. Kyle said he would send somebody  
14 to pick me up and take me out there, and I said  
15 I'm going to have to talk to Scott first.

16 Q. So it wasn't a matter of  
17 transportation, they could have gotten you  
18 there?

19 A. No, they could have gotten me  
20 there, that's right.

21 Q. You just didn't do it because you  
22 didn't get the job.

23 A. Because it wasn't my job to do

174

1 that. It wasn't my job to do that. My job was  
2 to work at the water treatment plant.

3 Q. I thought you said part of your  
4 job as a chief operator was to take samples  
5 outside?

6 A. That's correct. To take  
7 bacteriological samples for the monthly state  
8 requirement.

9 Q. So even though this is something  
10 that would have been necessary for the proper  
11 operation of a water board and distribution of  
12 water and that Scott had asked you to do it, you  
13 weren't going to do it?

14 MR. COOKS: Object to the  
15 form.

16 A. I didn't tell Scott I wouldn't do  
17 it. I told him I didn't think it was my  
18 responsibility. When he hung -- slammed the  
19 phone down in my face -- I assumed he didn't  
20 need me to do it.

21 Q. (Mr. Morgan) Is he your superior?

22 A. Yes, sir, Scott is.

23 Q. Is that the way you handle or deal

175

1 with most requests for assistance from superiors  
 2 is tell them it's not your responsibility?  
 3       A. I think it's my right to say that  
 4 I don't think it's my responsibility. He didn't  
 5 say, well Norman, it is your responsibility or  
 6 something of that nature.

7       Q. Well, why would he? I mean, he  
 8 asked you to do it and you worked for him, why  
 9 wouldn't you do it?

10      A. Well, he didn't ask me to do it,  
 11 sir. He had Kyle call me and tell me to do it.

12      Q. Well, didn't Kyle tell you that  
 13 Scott said for him to call you?

14      A. I don't recall him saying that at  
 15 all. He did tell -- he may have said that -- I  
 16 think he may have said that.

17      Q. Any other incidences where you  
 18 refused to do work for the board other than that  
 19 one?

20            MR. COOKS: Object to the  
 21 form.

22      A. I don't think that I refused to do  
 23 work.

1       Q. (Mr. Morgan) Well, any other  
 2 occasions where you were asked to do something  
 3 and you decided it wasn't your responsibility,  
 4 other than that one time?

5       A. I don't believe that I decided  
 6 that I didn't have to do that job. I objected  
 7 to doing the job and I would have done the job  
 8 if I had been told to, but not without protest.

9       Q. Well, were there other occasions  
 10 that where you were asked to do jobs that you  
 11 didn't do it other than that one?

12      A. No, sir.

13      Q. Is that the only time you've ever  
 14 talked to Kyle?

15      A. I believe I was introduced to him  
 16 once before.

17      Q. Well, other than exchanging  
 18 pleasantries, did y'all have any conversation  
 19 about the job or anything at that time?

20      A. No, sir.

21      Q. And then this conversation where  
 22 he called you and said Scott said you should go  
 23 out there and do these samples, that's only two

177

1 times you've spoken with Kyle?  
 2       A. Yes, sir, I believe so -- and I'm  
 3 not sure -- I'm not sure that he said Scott  
 4 asked me to go do those samples. As I recall  
 5 what he said was I need you to do this -- I need  
 6 you to do this. I don't believe he -- I'm not  
 7 sure that he said anything about Scott, until I  
 8 said I needed to talk to Scott first.

9       Q. Well, from the time that you  
 10 learned that you were not being promoted, which  
 11 I think was in May, up until the time when you  
 12 left the board of employment, do you have any  
 13 complaints about your employment during that  
 14 period of time?

15      A. I'm not sure what you are asking.

16      Q. Well, is there anything that -- I  
 17 mean, you were unhappy about this conversation  
 18 you told me about with Kyle, is there anything  
 19 else you were unhappy about during the remainder  
 20 of your employment with the board?

21      A. I was unhappy from time to time  
 22 with the working conditions, and that even  
 23 though we were not supposed to be smoking in

178

1 City buildings it was allowed to go on.

2       Q. Smoking. Anything else other than  
 3 smoking?

4       A. I don't recall anything else.

5       Q. Who was allowed to smoke?

6       A. Steve Kukla.

7       Q. Did you ever see him actually  
 8 smoke inside?

9       A. Many times.

10      Q. Didn't you complain to somebody  
 11 about that?

12      A. Yes, sir, I sure did.

13      Q. Who did you complain to?

14      A. Rick McCarty.

15      Q. Was anything done about it?

16      A. He posted a note on the board  
 17 saying you're not supposed to smoke in the  
 18 building it's a City ordinance, and Steve used  
 19 to smoke -- sat up in his chair right up under  
 20 the notice to smoke.

21      Q. Sat right up under where?

22      A. He moved -- the notice was on the  
 23 bulletin board, Steve would push his truck --

179

1 his chair over to the bulletin board and smoke  
 2 right underneath the notice.  
 3 Q. Who else saw that besides you?  
 4 A. I assume that the other operators  
 5 saw it.  
 6 Q. Well, did anybody else complain  
 7 about it?  
 8 A. I don't know.  
 9 Q. Did you talk to any of the  
 10 operators about it?  
 11 A. I mentioned it to the other  
 12 operators that I had complained about it.  
 13 Q. Who did you talk to, what other  
 14 operators?  
 15 A. To Terry -- well, to all of them.  
 16 Q. Who?  
 17 A. To all of them.  
 18 Q. Martin?  
 19 A. Martin, Terry and Allen.  
 20 Q. Well, after Rick posted the sign  
 21 that said no smoking in the building, did you  
 22 complain to Rick anymore about it?  
 23 A. Yes, sir.

181

1 board that you no longer had a land line?  
 2 A. I don't recall specifically. I'm  
 3 sure I must have.  
 4 Q. Why do you say you must have?  
 5 A. Well, because that's only way they  
 6 could contact me.  
 7 Q. Did you have a cell phone?  
 8 A. Yes, sir.  
 9 Q. Did you give your cell phone  
 10 number to people at the board?  
 11 A. Well, they have called me -- some  
 12 of -- the operators have called me, so I must  
 13 have, yes, sir.  
 14 Q. Who's called you on your cell  
 15 phone?  
 16 A. Steve in particular called me  
 17 once -- I remember that incident.  
 18 Q. Steve?  
 19 A. Yes, sir, he was injured at work  
 20 and called me.  
 21 Q. Steve Kukla?  
 22 A. Yes, sir.  
 23 Q. What happened to him, he was

183

1 Q. What did he say?  
 2 A. He said, I put a notice on the  
 3 board.  
 4 Q. And what did you say then?  
 5 A. Nothing.  
 6 Q. Any other complaints about your  
 7 working conditions other than the smoking?  
 8 A. No, sir, I don't recall any other  
 9 problems.  
 10 Q. Did you change your phone number  
 11 at your land line or take out your home phone?  
 12 A. I don't have a land line at my  
 13 home.  
 14 Q. Did you have one at one time?  
 15 A. Yes, I did.  
 16 Q. When did you take it out?  
 17 A. I don't recall specifically. I  
 18 decided to go wireless and that's what I'm  
 19 using, a wireless cell phone.  
 20 Q. Did you take it out before you  
 21 left working with the board?  
 22 A. Yes, sir.  
 23 Q. Did you tell the people at the

182

1 injured?  
 2 A. He fell down some steps.  
 3 Q. How was y'all's relationship?  
 4 A. I like Steve well enough.  
 5 Q. You what?  
 6 A. I liked him. He's a nice enough  
 7 guy.  
 8 Q. Did you ever talk to him about not  
 9 smoking?  
 10 A. Yes, sir, sure did.  
 11 Q. What did he say?  
 12 A. He says oh, yeah, you know, I've  
 13 been trying to quit.  
 14 Q. You don't think he was smoking  
 15 maliciously because you complained about it, do  
 16 you?  
 17 A. After the notice was put up, yes,  
 18 sir.  
 19 Q. Did you talk to him about it then?  
 20 A. No, sir.  
 21 Q. Before you went to vacation to  
 22 Houston, I guess, were you interviewed for the  
 23 job, did you turn your keys in to anybody?

184

1 A. We had a new maintenance man show  
2 up and I gave him the set of keys.  
3 Q. Did you tell him you weren't  
4 coming back?  
5 A. No, sir. He had no keys and Rick  
6 was off on vacation or something and I gave him  
7 my set.

8 MR. MORGAN: Y'all want to take a quick break?

9 MR. COOKS: Sure.

10 2:15 PM

11 (Short break.)

12 2:28 PM

13 Q. (Mr. Morgan) Mr. Lacey, you may  
14 have been out of the country, but in this case  
15 there is what's called initial disclosures where  
16 you give the names of people you think may have  
17 information about your case.

18 A. Okay.

19 Q. And one of the people listed is  
20 Rick McCarty. What is it that you think he  
21 knows about your lawsuit?

22 A. Well, I think he knows the  
23 circumstances of the discrimination.

1 Q. And that would be?

2 A. The fact that someone less  
3 qualified was hired because he was younger.

4 Q. Do you know Mr. Hildress'  
5 qualifications?

6 A. No, sir.

7 Q. My understanding is your lawsuit  
8 is -- your claim of discrimination is that you  
9 were not promoted because of your age?

10 A. That's correct.

11 Q. You don't make any other  
12 employment claims?

13 A. No.

14 Q. It's a promotion claim?

15 A. That's correct.

16 Q. And the promotion claim is that  
17 you didn't get promoted because of your age, or  
18 flip-flopping it they promoted a younger person?

19 A. An unqualified person, yes, sir.

20 Q. Anything else that you think Rick  
21 McCarty knows about your claim other than what  
22 you just told me?

23 A. No, sir.

185

187

1 Q. Has he made any comments about  
2 Kyle being less qualified?  
3 A. He told me that Scott told him on  
4 the very first day that the man had no water  
5 experience.

6 Q. And that's the basis of saying  
7 he's less qualified because he has no water  
8 experience?

9 A. Yes, sir.

10 Q. And you said also that Rick told  
11 you in that first conversation that Scott said  
12 he was younger?

13 A. Yes, sir.

14 Q. Now to be clear, you don't make  
15 any claim that Rick knows any first-hand  
16 evidence about the reason you were not promoted  
17 or that Kyle was promoted?

18 A. I would assume that he knows what  
19 Scott told him.

20 Q. Because Rick was not involved in  
21 the process?

22 A. Not to my knowledge.

23 Q. And did not make the decision?

186

188

1 A. Not to my knowledge.

2 Q. Then you listed Scott Cummings.

3 A. Yes, sir.

4 Q. What do you claim Scott Cummings  
5 knows about your lawsuit?

6 A. I think Scott Cummings instigated  
7 the discrimination and I think he's entirely  
8 responsible for it.

9 Q. Why do you say that?

10 A. Because he was not only the  
11 manager, but he led the board -- he made the  
12 decision.

13 Q. Anything else that you say Scott  
14 knows about this lawsuit?

15 A. None, I don't have anything else.  
16 I think he knows everything about it, that's  
17 what I think he knows.

18 Q. Martin Squires, you have him  
19 listed -- what is it that you think he knows?

20 A. He only knows what he was told.

21 Q. By Rick?

22 A. By Rick.

23 Q. Do you know of anything that

1 Martin was told directly by Scott?  
 2 A. I don't know of anything directly  
 3 by Scott, no, sir.

4 Q. Am I correct in understanding that  
 5 what you think Martin Squires knows is what he  
 6 told you initially that he heard from Rick that  
 7 somebody else had been promoted?

8 A. Okay, that's right.

9 Q. And you don't know of anything  
 10 that Martin knows firsthand about your  
 11 promotion?

12 A. No, sir.

13 Q. And you don't know of anything  
 14 else that you've talked about, or remember  
 15 anything else that you have talked about  
 16 specifically with Martin about the promotion,  
 17 other than that first conversation where he told  
 18 you what Rick told him?

19 A. I don't recall any specifics of  
 20 any other conversations, no, sir.

21 Q. Then you've got Nell Greer, what  
 22 does she know about your lawsuit?

23 A. The only thing is the e-mail that

1 I received from her regarding the change, that's  
 2 all.

3 Q. Do you remember if you were asked  
 4 by the interview committee anything about your  
 5 supervisory experience?

6 A. I'm sure I must have been, I don't  
 7 recall specifically.

8 Q. Do you recall any information or  
 9 statements that you made to the interview  
 10 committee about your supervisory experience?

11 A. No, I don't recall any specifics.  
 12 Most of my work prior to going or being employed  
 13 at Auburn was supervisory.

14 Q. My question is -- I want to be  
 15 clear -- I want to know what you remember  
 16 telling the interview committee about your  
 17 supervisory experience?

18 A. I don't recall any specifics.

19 Q. Do you remember relating or  
 20 sharing any information with the interview  
 21 committee about your handling or experience with  
 22 customer relations?

23 A. Yeah, I'm sure that that was

189

1 discussed.

2 Q. What do you remember telling them?

3 A. Well, I think there was some  
 4 comment about Jill being a very tough person to  
 5 deal with, and I remember telling them that in  
 6 Jill's position she has to be a tough person to  
 7 deal with, because that's one of the things that  
 8 I used to tell my clerks was you never blink  
 9 with a customer. You are sympathetic, you  
 10 listen to what they have to say, but you never  
 11 say wait a minute did I make a mistake, you know  
 12 you don't do that. You check -- if you think  
 13 you made a mistake you stop and you look, and  
 14 then you go back, but you don't ever blink in  
 15 front of a customer. Because if you do, you  
 16 only prolong an argument that you don't have to  
 17 have.

18 Q. Anything else that you remember  
 19 discussing with your interview board about your  
 20 experience with customer relations.

21 A. Just that I had quite a bit of  
 22 experience with customer relations, dealing with  
 23 customers in the billing office and in the

190

1 field.

2 Q. Did you have any conversations or  
 3 present any information to the interview  
 4 committee about your experience in managing  
 5 staff or operations?

6 A. I remember being questioned about  
 7 the number of employees that I had supervised in  
 8 the past.

9 Q. What did you tell them  
 10 specifically about that?

11 A. Well, I just told them basically  
 12 the same thing today: How many employees that I  
 13 had worked with at each job.

14 Q. Did they go through the various  
 15 positions that you've held and ask you about  
 16 those kind of things that we talked about  
 17 earlier?

18 A. I don't think we went all the way  
 19 through the list. I was asked about particular  
 20 places: How many here, how many there, that  
 21 kind of thing.

22 Q. Did you provide any information or  
 23 were you asked any questions or share any

191

192

1 information with the interview committee about  
 2 your experience with dealing with local  
 3 contractors?

4 A. I'm sure that -- as I mentioned  
 5 they mentioned some concern about contractors,  
 6 and yeah I did tell them that I had worked with  
 7 contractors before without a problem. And  
 8 again, they weren't specific about what type of  
 9 contractors, but I had had worked with a wide  
 10 range of contracting issues.

11 Q. Do you remember telling Rick that  
 12 the board had hired a butcher instead of you?

13 A. I remember telling Rick that --  
 14 when Martin told me that he thought the man was  
 15 a -- worked in a store or a meat company and  
 16 that's why I said butcher -- because if he  
 17 worked in a meat company he was a butcher.

18 Q. So you made the comment to him  
 19 that the board had hired --

20 A. No, I said has the board -- is  
 21 that what you are telling me -- the board has  
 22 hired a butcher instead of a water operator?

23 Q. What did Rick say in response?

1 A. He said he didn't know what the  
 2 man had done for a living. It wasn't a personal  
 3 comment about the man -- I didn't know the man.  
 4 I was talking about the type of work that he  
 5 did.

6 Q. Are there any conversations that  
 7 you've had with Scott about the promotion  
 8 procedure, your not being promoted, or this  
 9 lawsuit that we haven't covered in this  
 10 deposition?

11 A. I don't recall anything. I think  
 12 we've covered certainly the major issues.

13 Q. Now as to Rick, are there any  
 14 conversations you had with Rick about this  
 15 promotion procedure, or your employment, or this  
 16 lawsuit, or your age that we haven't covered?

17 A. The only thing I think we have not  
 18 covered was the evaluation where my raise was  
 19 held up and I had negative comments on my  
 20 evaluation.

21 Q. Was that after this incident that  
 22 you told me about with Kyle calling and asking  
 23 you to take samples?

193

1 A. Yes, sir.

2 Q. What conversations did you have  
 3 with Rick about that?

4 A. I told him that it was obvious  
 5 that this was some retribution because I was  
 6 objecting to doing another man's job.

7 Q. What did Rick say?

8 A. He didn't really comment. He said  
 9 well, you know, Norman, Scott put these comments  
 10 on them, I didn't -- is what he said.

11 Q. Did you get your raise?

12 A. I believe I eventually did get the  
 13 raise, but it was delayed.

14 Q. And my understanding was you  
 15 submitted a letter of resignation to the board?

16 A. Yes, sir, I did.

17 Q. At the time you sent that letter  
 18 of resignation you had already been working with  
 19 Kellogg, Brown and Root, hadn't you?

20 A. I had accepted a position with  
 21 Kellogg, Brown and Root, that's correct.

22 Q. Now, tell me what evidence you  
 23 have that you were denied that promotion because

195

194 1 of your age?

2 MR. COOKS: Object to the  
 3 form.

4 A. I think the evidence is in my  
 5 background, I think it speaks for itself. I was  
 6 eminently qualified for the job and I don't  
 7 think I was ever actually given a chance to be  
 8 even considered for the position.

9 Q. (Mr. Morgan) Why not?

10 A. As I said when I went in there was  
 11 one man shaking his head no -- apparently job  
 12 experience doesn't count for anything. The fact  
 13 that I had a very positive work record with  
 14 Auburn didn't count for anything. I was under  
 15 the impression that there was veteran's  
 16 preference given to city employees -- Scott  
 17 tells me he never heard of that. So I felt like  
 18 I was discriminated against, yes, sir. And I  
 19 think it's all there in the records in my  
 20 resume.

21 Q. When did you have the conversation  
 22 with Scott about the veteran's preference?

23 A. That was one of the conversations

196

1 he and I had after I didn't get the position.  
 2 Q. What was said by who?  
 3 A. I don't recall specifically. I  
 4 just -- I just -- I remember asking him and is  
 5 this man a veteran, was he a veteran? Well, no  
 6 he wasn't a veteran, Norman. And I said isn't  
 7 there a veteran preference, don't you give  
 8 veteran's preference. And he said I've never  
 9 heard of veteran's preference.

10 Q. Anything else that you can  
 11 remember about any of these conversations with  
 12 Scott?

13 A. I'm sure that there was a lot  
 14 discussed and I'm sure that after a year I don't  
 15 recall everything that was said.

16 Q. Well, have we covered everything  
 17 that you do remember?

18 A. Yes, sir.

19 Q. Is there anything else that you  
 20 rely on for your claim that you were not  
 21 promoted because of your age? Has anybody ever  
 22 told you you didn't get this promotion because  
 23 of your age?

1 A. I think Scott told me that when he  
 2 said he wanted somebody that was going to be in  
 3 that position for a long time. I think that's  
 4 exactly what he was saying.

5 Q. Anybody else that you claim made  
 6 any comments like that other than Scott?

7 A. The comment that Rick said Scott  
 8 made about there being a steep learning curve.  
 9 Seemed to me that every excuse they came up  
 10 with, when I refuted that excuse they had a  
 11 brand-new one.

12 Q. Well, when you had the  
 13 conversation with Rick about the steep learning  
 14 curve, the decision had already been made to  
 15 hire somebody else?

16 A. Yes, sir.

17 Q. Did you ever discuss that with  
 18 Scott?

19 A. Yes, sir.

20 Q. What did he say? What was his  
 21 explanation?

22 A. He dismissed that right off.  
 23 Apparently that had been communicated back to

197

1 him in the conversation on the phone he had with  
 2 Rick, because he just dismissed that right away  
 3 and didn't say anything else. Then he started  
 4 talking about this man has had so much more  
 5 experience with customer relations. And when I  
 6 dismissed that, when I explained to him that  
 7 that wasn't the case and proved it to him, it  
 8 was something else. You know it was just one  
 9 little excuse after another. But when he told  
 10 me that he wanted someone in that position a  
 11 long time that was the reason -- that was the  
 12 reason.

13 Q. Any other comments made by Scott  
 14 or anybody else that support your claim?

15 A. I don't recall anything else.

16 Q. Tell me how you claim you've been  
 17 damaged in this lawsuit. What damages do you  
 18 seek?

19 A. I've had to leave a secure job, go  
 20 halfway around the world to be shot at, knowing  
 21 that it's not a permanent job. I felt like I  
 22 was being persecuted there where I was. I was  
 23 not happy because of the things that were being

198

1 forced upon me, and the negative comments on my  
 2 evaluation. I just didn't feel like I could  
 3 stay there anymore.

4 Q. You voluntarily decided to take  
 5 another job?

6 A. I took another job because I  
 7 couldn't remain at Auburn under those  
 8 circumstances.

9 Q. That was your choice, though --  
 10 nobody at Auburn said you had to leave.

11 A. Nobody fired me, no, sir.

12 Q. Nobody at the water board said you  
 13 couldn't stay here, did they?

14 A. No, sir.

15 Q. Do you claim you've lost any  
 16 salary, or are you making more money now?

17 A. I have lost salary in the long  
 18 run. I am making less per hour now than I was  
 19 at the City of Auburn. I have no benefits where  
 20 I am, and it's a short-term job. There is no  
 21 retirement. There is very little in the way of  
 22 health benefits.

23 Q. How much are you making an hour?

199

1 A. It's about twelve dollars and  
 2 fifty-three cents an hour, somewhere in that  
 3 area. I'm not a hundred percent certain and I  
 4 will produce a pay stub when I can find one.

5 Q. Do you get a bonus?

6 A. I get what they call an uplift for  
 7 on the first 40 hours of pay. It's an increase  
 8 for harsh living conditions.

9 Q. How much is your uplift?

10 A. It's 65 percent of the base  
 11 salary.

12 Q. And you get that on the first  
 13 40 hours?

14 A. Yes, sir.

15 Q. So you make twelve fifty-three  
 16 plus 65 percent of twelve fifty-three?

17 A. Yes, sir. Plus I'm required to  
 18 work 84 hours a week, 12 hours a day, 7 days a  
 19 week.

20 Q. So you get time-and-a-half on the  
 21 other 44 hours?

22 A. Yes, sir.

23 Q. Do you get an uplift or increase

1 on the other?

2 A. No, sir.

3 Q. Well, is the 44 hours overtime?

4 A. Yes, sir.

5 Q. Is that figured on the twelve  
 6 fifty-three an hour, or is that figured on the  
 7 twelve fifty-three plus the 65 percent an hour?

8 A. Just the base salary.

9 Q. The twelve fifty-three?

10 A. Yes, sir.

11 Q. So you make on the first 40 hours  
 12 then approximately twenty dollars an hour and  
 13 then you make time-and-a-half on the other 44  
 14 hours?

15 A. That's right.

16 Q. You don't pay income taxes on  
 17 that, do you?

18 A. I do pay state. And if something  
 19 happens and I have to come back before 330 days,  
 20 then I have to pay federal income tax, too.

21 Q. Well, you have already been over  
 22 there 330 days?

23 A. That's right, right now I have.

201

1 Q. So you are not paying any federal  
 2 tax?

3 A. Not federal tax.

4 Q. And you didn't pay any federal tax  
 5 for the rest of '06?

6 A. I didn't pay federal tax on the  
 7 money I earned over there.

8 Q. Right.

9 A. That's correct.

10 Q. So that's tax-free?

11 A. Yes, sir.

12 Q. Are you saying you pay state tax  
 13 on that?

14 A. It's subject to state tax, yes,  
 15 sir.

16 Q. What's state tax bracket, three  
 17 percent?

18 A. I don't know what it is. I have  
 19 not filed that yet. I have filed a state tax,  
 20 but it has to be amended before October.

21 Q. Did you pay any income tax to the  
 22 state on the money you earned last year working  
 23 for Kellogg, Brown and Root?

202

1 A. I have not at this time, but I  
 2 will be required to.

3 Q. What other salary income or  
 4 bonuses do you receive?

5 A. None. Oh, I get air fare back and  
 6 forth.

7 Q. They pay for your travel?

8 A. Right. Once a year.

9 Q. Do you actually work 84 hours a  
 10 week or do you just get paid for 84 hours a  
 11 week?

12 A. No, I work 84 hours a week.

13 Q. And you have no living expenses?

14 A. Well, no, I do have some living  
 15 expenses.

16 Q. What are they in Iraq?

17 A. They provide food and shelter. I  
 18 have to provide clothing, which is kind of rough  
 19 on clothing over there, and my personal needs.

20 Plus I have to pay someone to look after my  
 21 personal affairs back here. I've had two  
 22 burglaries in my house since I've been away. So

23 I mean, there are expenses associated with

203

204

1 working over there.

2 Q. But you don't pay for food and  
3 shelter?

4 A. I don't pay for food and shelter  
5 over there.

6 Q. Who do you pay over here to look  
7 after your house?

8 A. Tony Embrey.

9 Q. How much do you pay her?

10 A. Two hundred dollars a month.

11 Q. Do you do that by check or cash?

12 A. Cash.

13 Q. Do you get a receipt or anything?

14 A. Yes, sir.

15 Q. Do you take that off of your taxes  
16 as a deductible?

17 A. No, sir, I don't know. I don't  
18 know if it's even deductible living.

19 Q. Have those two burglaries been  
20 reported?

21 A. They have been reported, yes, sir.

22 Q. Did you lose any stuff?

23 A. I have lost some things, but after

205

1 Q. And they don't provide you with  
2 medical insurance?

3 A. There is major medical coverage,  
4 it's not cheap and it's not very effective --  
5 it's major medical coverage is all it is.

6 Q. Who pays for that?

7 A. I pay part of it and the company  
8 pays part.

9 Q. Well, does it cost you anymore  
10 than it did in the insurance with Auburn?

11 A. Yes, sir.

12 Q. How much is your part?

13 A. I think it's about a hundred and  
14 twenty -- I'm not sure.

15 Q. Is that through the company or  
16 through the government?

17 A. It's through the company.

18 Q. Who's the policy with? Who's the  
19 carrier? Let me get a copy of that.

20 A. CIGNA.

21 Q. CIGNA?

22 A. Yes, sir. Of course I have to  
23 maintain my home here, so --

207

1 a year I can't be sure of what all I did lose.  
2 A lot of the things I had in storage and a lot  
3 of the things are packed away.

4 Q. Did you take any of that off of  
5 your taxes?

6 A. I have not, no, sir.

7 Q. Do you have a contract with  
8 Kellogg?

9 A. Yes, sir.

10 Q. A written contract?

11 A. Yes, sir.

12 Q. How long is the contract for?

13 A. It's a three-year contract -- it's  
14 actually one year at a time.

15 Q. Just rolls over?

16 A. Yes, sir.

17 Q. And you are now into your second  
18 contract -- second year?

19 A. I will be -- when I go back I will  
20 start my second contract -- second year.

21 Q. What was the date of your first  
22 year?

23 A. The 18th -- July the 18th.

206

1 Q. Well, you would have to do that  
2 anyway?

3 A. Well, I do, yes, so living is not  
4 free. It would be the same living expense there  
5 as here.

6 Q. Yeah, but you are not having to  
7 pay any extra is what I'm asking?

8 A. I'm not paying extra, no, sir.

9 Q. I'm going to mark this as  
10 Defendant's Exhibit No. 1.

11 (WHEREUPON, a document was  
12 marked as Defendant's Exhibit No.  
13 1 and is attached to the original  
14 transcript.)

15 MR. COOKS: Let me see if we  
16 need to redact anything.

17 MR. MORGAN: I don't think so,  
18 but if y'all see something after the deposition  
19 you can call me. I'm not trying to publish it.  
20 I just want to be sure I have the information if  
21 I want to follow up on it.

22 Q. (Mr. Morgan) Well, what happens  
23 if you get sick, who pays your medical bills,

208

1 government?  
 2 A. No, no. I pay the medical bill  
 3 and I get reimbursed by the major medical  
 4 portion -- a portion of it for what they cover,  
 5 and they don't cover the same thing.

6 Q. Just say you went to the doctor  
 7 because you had a head cold or something, do you  
 8 have a copay or do you actually have to pay that  
 9 all yourself?

10 A. I have to pay it all, and they  
 11 don't reimburse that.

12 Q. Do you have access to military  
 13 doctors while you are over there?

14 A. No, sir.

15 Q. Well, does your company have a  
 16 doctor over there?

17 A. They have medics over there. They  
 18 don't prescribe medicine or anything. What they  
 19 do is they look at you and say whether or not  
 20 you are fit for work and if you are, you work.  
 21 And if you're very ill, then they will send you  
 22 to a military doctor to look at you and decide  
 23 whether or not you can stay or you have to go

210 1 home for treatment. They won't treat you over  
 2 there.

3 Q. Well if you go to the medic, do  
 4 you have to pay?

5 A. No, sir.

6 Q. If the medic sends you to a  
 7 military doctor, do you have to pay?

8 A. No, sir.

9 Q. And if they decide you are okay,  
 10 then you go back to work?

11 A. That's right.

12 Q. If they decide you are not okay,  
 13 they ship you back to the states?

14 A. That's right.

15 Q. If you come back to the states,  
 16 are you still an employee of Kellogg, Brown and  
 17 Root?

18 A. I assume that under Cobra I have a  
 19 period of time that I can use the insurance --  
 20 that's an assumption on my part.

21 Q. Are you an employee or an  
 22 independent contractor with Kellogg?

23 A. I don't know all the legal

209

1 niceties of it. We are actually employees of  
 2 Service International. Kellogg, Brown and Root  
 3 hires us and apparently leases us or somehow to  
 4 this other company in Dubai -- I don't know.

5 Q. Where is it located: Service  
 6 Employees International?

7 A. Yes, sir. I don't know -- I just  
 8 don't know.

9 Q. Where is its home office?

10 A. I have no idea, sir. I think it's  
 11 in Dubai.

12 Q. Who's going to have your personnel  
 13 file? Do you have a personnel file?

14 A. KBR would have it.

15 Q. Who's going to have a copy of the  
 16 contract, KBR?

17 A. KBR.

18 Q. So you are hired by KBR and then  
 19 leased by it to Services International?

20 A. I don't know how it works. I just  
 21 know that these are the people that pay me and  
 22 furnish the things like that insurance card.

23 Q. And what about retirement, you say

211

210 1 you don't have any retirement?

2 A. There is no retirement.

3 Q. Well, have you started an IRA or  
 4 anything since you have signed on?

5 A. I have not at this point, no, sir.

6 Q. Through all of your other  
 7 employments with these various public  
 8 corporations including the water board, did you  
 9 keep all of your money in so that you have  
 10 enough time in for retirement?

11 A. No, sir, I didn't.

12 Q. How about the retirement money  
 13 that was with the water board, is that still in  
 14 the state system?

15 A. No, sir, it's not.

16 Q. You took it out?

17 A. Yes, sir.

18 Q. So you have no money in  
 19 retirement?

20 A. That's correct.

21 Q. And you are not contributing any  
 22 with your new position?

23 A. That's correct.

212

1 Q. And you don't have an IRA. Did  
2 you roll over the money you took out?  
3 A. No, sir.  
4 Q. Why did you take it out?  
5 A. To help pay off my house. To pay  
6 on it -- I needed to conclude the sale on the  
7 house and I used that.  
8 Q. What do you mean? Had you sold  
9 the house?  
10 A. No. I had to -- I was actually in  
11 the process of buying it. I had a lease on the  
12 house for three years. It's a lease-purchase  
13 agreement and I had to act on it.  
14 Q. You were leasing the house and  
15 then it came up to either buy it or get out?  
16 A. Right.  
17 Q. So you took your retirement money  
18 out to buy the house?  
19 A. That's right.  
20 Q. Are your salary or income through  
21 KBR or Services Employees International, are  
22 they credited towards Social Security?  
23 A. I don't know -- I don't believe

1 they are -- in fact I'm fairly sure they are  
2 not.  
3 Q. So have we covered the change of  
4 income? Any other thing I've missed asking you  
5 about the change in your wages from being paid  
6 by the board to your new employment?  
7 A. Well, like I said this is a  
8 temporary job. This is not a permanent job -- I  
9 need a job.  
10 Q. And you had no difficulty finding  
11 jobs in the past, true?  
12 A. I wouldn't say that. And of  
13 course if there is going to be a problem with my  
14 age at this point, I suspect it's not going to  
15 get any better.  
16 Q. Well, you certainly took all of  
17 that into consideration when you elected to  
18 leave the employment of the board, didn't you..  
19 A. I certainly knew that I was not  
20 going to get any younger after I left. On the  
21 other hand, I was in a position that I could not  
22 stay.  
23 Q. You decided you could not stay.

213 1 A. Yeah -- I decided based on the  
2 circumstances I was subjected to that I could  
3 not stay.  
4 Q. Well, the only thing that I  
5 remember you testifying about negatively was the  
6 situation with the raise.  
7 A. Well, I was discriminated against  
8 on the promotion.  
9 Q. On the promotion. All right and  
10 you've got a claim in here for embarrassment and  
11 humiliation, severe mental anguish, emotional  
12 pain and distress. My understanding is that you  
13 have not seen any professional.  
14 A. I haven't seen any professional.  
15 Q. Doctors, psychiatrist,  
16 psychologist, mental health therapist or  
17 whatever?  
18 A. That's true.  
19 Q. Well, tell me what embarrassment,  
20 humiliation, severe mental anguish and emotional  
21 pain and distress you have suffered as a result  
22 of not being promoted?  
23 A. Well, it's enough to send me

214 1 halfway across the world into a situation where  
2 no man should have to live.  
3 Q. Well, tell me how it's affected  
4 you. What was embarrassing or humiliating about  
5 not being promoted?  
6 A. Well, the whole fact that someone  
7 puts their whole life and soul into a job, and  
8 then someone with no experience in the field is  
9 brought in and put ahead of them, that's a good  
10 bit of humiliation and embarrassment.  
11 Q. Did anybody at the board make fun  
12 of, or ridicule or make any jokes about your not  
13 being promoted?  
14 A. There were comments made,  
15 particularly -- they used to have a, what they  
16 call a social meeting or something, they would  
17 have a cookout and you would go up there and all  
18 of the employees would be there and yeah, there  
19 was comments made, sure were.  
20 Q. Who made what comments?  
21 A. I don't know most of the people,  
22 because I didn't know most of the people that  
23 worked up on that end. I didn't know the

216

1 distribution field crew and so forth.  
 2 Q. Well, do they know you?  
 3 A. They knew me by my reputation.  
 4 They knew me because that was the man that did  
 5 not get the job.  
 6 Q. Well, what do you claim was said  
 7 about you at this social setting?  
 8 A. Well, just people pointing and  
 9 saying that's him right there, that's the guy.  
 10 Q. And you don't know the names of  
 11 these people?  
 12 A. No, sir, I don't.  
 13 Q. And they were that open about it  
 14 that they were pointing and saying you were the  
 15 man?  
 16 A. Yes, sir, they were.  
 17 Q. Tell me somebody that was there  
 18 the same time you were?  
 19 A. Allen Howe was there that day with  
 20 me.  
 21 Q. Anybody else?  
 22 A. I didn't go back after that one  
 23 time.

218  
 1 Q. Anybody there besides Allen?  
 2 A. He was the only one that I knew.  
 3 Q. Was Martin there?  
 4 A. No, sir, he wasn't.  
 5 Q. What about Eric that was on the --  
 6 A. He would probably have been there,  
 7 but I don't recall seeing him there that day.  
 8 Q. Have we covered all of your  
 9 damages? Is there any other way you claim you  
 10 have been damaged?  
 11 A. I think that covers most of it.  
 12 Q. One comment you did make about  
 13 being shot at, have you actually been shot at?  
 14 A. Yes, sir, I have.  
 15 Q. On how many occasions?  
 16 A. I have to go to the bunker  
 17 sometimes two or three times a week, that's  
 18 indirect fire. I have been shot at directly  
 19 with AK-47s.  
 20 Q. Where were you at that time? Were  
 21 you on a military base?  
 22 A. Military base, yes, sir.  
 23 Q. Was that covered with you when you

217  
 1 were interviewing for the job?  
 2 A. I knew there was a danger of that,  
 3 yes, sir.  
 4 Q. Do you get any hazardous duty pay  
 5 on top of your 65 percent?  
 6 A. That 65 percent is the hazardous  
 7 duty pay.  
 8 Q. Just so I'm clear, the overtime is  
 9 based on the regular hourly rate?  
 10 A. That's correct.  
 11 Q. Not the hourly rate plus the 65  
 12 percent?  
 13 A. That's correct.  
 14 Q. We've covered all of your damages?  
 15 A. I think we've covered all of the  
 16 damages.  
 17 MR. MORGAN: If y'all can give  
 18 me about five minutes, I think I'm about  
 19 through.  
 20 3:04 PM  
 21 (Short break.)  
 22 3:11 PM  
 23 Q. (Mr. Morgan) During the time that

220  
 1 you were in Houston when you interviewed for the  
 2 job, accepted it, going through your orientation  
 3 and all, between then and when you wrote a  
 4 letter to the board advising the board that you  
 5 were resigning, did you have any conversations  
 6 with any board employees while you were out  
 7 there in Houston?  
 8 A. I don't believe I did, no, sir.  
 9 Q. Now after you wrote your letter to  
 10 the board resigning, did you have any  
 11 conversations with anybody -- have you had any  
 12 conversations with any employees of the board or  
 13 Scott since you resigned?  
 14 A. No, sir.  
 15 Q. You haven't seen anybody since you  
 16 left to go?  
 17 A. No, sir.  
 18 Q. Just cut all ties?  
 19 A. Yes, sir.  
 20 Q. Okay.  
 21 MR. MORGAN: No questions.  
 22 MR. COOKS: One question.  
 23

1 EXAMINATION BY MR. COOKS:

2 Q. We are going to mark this as  
3 Plaintiff's Exhibit No. 1.

4 (WHEREUPON, a document was  
5 marked as Plaintiff's Exhibit No.  
6 1 and is attached to the original  
7 transcript.)

8 MR. COOKS: We don't have a  
9 copy, but this is the letter with a note on it.

10 MR. MORGAN: Okay.

11 Q. (Mr. Cooks) Mr. Lacey, take a  
12 moment and look at this and let me know when you  
13 are done.

14 A. Okay.

15 Q. Is this the letter you sent to  
16 Scott Cummings?

17 A. Yes, sir.

18 Q. Informing him that you were  
19 resigning from the water board?

20 A. Yes, sir.

21 Q. Do you see these comments here at  
22 the bottom?

23 A. I see them now.

1 Q. Did you know that at the time or  
2 before you wrote this letter, did you know about  
3 these comments?

4 A. No, sir.

5 Q. Prior to today did you know about  
6 these comments here at the bottom?

7 A. No, sir.

8 Q. Did you know that you were  
9 considered terminated when you wrote this letter  
10 that you had been terminated?

11 A. No, sir, I wasn't aware of that.

12 Q. Okay.

13 MR. COOKS: That's all the  
14 questions we have.

16 EXAMINATION BY MR. MORGAN:

17 Q. Well, you got a rule book didn't  
18 you when you were employed with the board?

19 A. I believe I did, yes, sir.

20 Q. And didn't the rule book state  
21 that if you didn't show up for work for three  
22 days that you were considered terminated?

23 A. I don't believe it says that. It

221

1 might say that now, I don't believe it said that  
2 when I received my rule book. And I don't  
3 believe that -- I don't believe there was three  
4 days.

5 Q. Whether or not when this letter  
6 arrived the city had considered you as being  
7 terminated for not complying with that rule or  
8 not, when you wrote this letter, which I think  
9 was actually mailed on July the 19th, you were  
10 resigning from the board, were you not?

11 A. That's true. I don't believe that  
12 that three day has ever been -- well, I'm not  
13 aware of it being endorsed. I do know that we  
14 had several gentlemen at the water treatment  
15 plant that left for more than three days at a  
16 time without calling in or coming in, and they  
17 were allowed to return to work.

18 Q. Who is that?

19 A. I cannot remember. They were the  
20 two maintenance men, and I don't remember their  
21 names right now.

22 Q. Well, whether the board terminated  
23 you or you resigned from the board, as I

223

1 understand what we've talked about your lawsuit  
2 is that you didn't get promoted because of your  
3 age, true?

4 A. That and the fact that I was  
5 discriminated against, yes.

6 Q. As a result of not being promoted?

7 A. Yes, sir, as a result of me not  
8 being promoted directly or indirectly.

9 Q. Okay.

10 MR. MORGAN: I mean, we are  
11 not litigating whether he was terminated or  
12 resigned from the board is what I understand,  
13 true?

14 MR. WINSTON: I think it's  
15 true, but I think it goes to -- if he's  
16 terminated, it's my understanding when we get  
17 into their depositions to see, then he's not  
18 eligible for rehire, but that's something we can  
19 figure out with them.

20 MR. MORGAN: If we are going  
21 to open up this, I need to know about it.  
22 Because it's my understanding of this lawsuit is  
23 that he didn't get promoted because of his age.

224

1 MR. WINSTON: That's true.  
 2 But the result in damages, you know.  
 3 MR. MORGAN: You are saying a  
 4 damage of that may be that he's not eligible for  
 5 rehire.  
 6 MR. WINSTON: Yeah.  
 7 MR. MORGAN: You are not  
 8 making an independent claim for the resignation.  
 9 MR. COOKS: No, not for the  
 10 resignation.  
 11 MR. MORGAN: Or the  
 12 termination, whichever one occurred first.  
 13 MR. COOKS: We hate to  
 14 stipulate that.  
 15 MR. MORGAN: Well, let's do  
 16 because I don't want to have to get him back  
 17 over here from Iraq. Obviously, you know  
 18 everything he's said is he's complaining about  
 19 his promotion. I mean, if you are telling me  
 20 this is an element of damage that's one thing,  
 21 but if you are telling me whether or not he  
 22 resigned or terminated from the board, then that  
 23 in effect being the same as a separate cause of

225

227

1 diaries, made any notes?  
 2 A. No, sir.  
 3 Q. Some people write things on  
 4 calendars or computer calendars, there are no  
 5 such notes?  
 6 A. No, sir.  
 7 Q. Any correspondence that you have,  
 8 do you have any correspondence with the city or  
 9 the water board relating to your employment,  
 10 promotion, job complaints, termination or  
 11 resignation?  
 12 A. No, sir.  
 13 Q. You told me about the e-mail that  
 14 Nell sent you?  
 15 A. I don't have that e-mail. It was  
 16 on my computer account here where I worked. I  
 17 don't have it since I left.  
 18 Q. So there are no diaries, no  
 19 calendars, no correspondence that you have with  
 20 the board or any board employee?  
 21 A. No, sir.  
 22 MR. MORGAN: All right.  
 23 \*\*\*\*\*

226  
 1 action and it's not in the complaint.  
 2 MR. WINSTON: Can we take a  
 3 quick break and we can talk to our client. I  
 4 don't think he realized he was terminated.  
 5 3:17 PM  
 6 (Short break.)  
 7 3:17 PM  
 8 MR. WINSTON: It's not a  
 9 separate claim.  
 10 MR. COOKS: No retaliatory  
 11 discharge.  
 12 MR. MORGAN: No retaliatory  
 13 discharge. We agree that it's not a separate  
 14 claim. To the extent that Plaintiff's Exhibit  
 15 No. 1 is relevant y'all are submitting its  
 16 relevancy based on a possible element of  
 17 damages, true?  
 18 MR. COOKS: That's true.  
 19 Q. (Mr. Morgan) Do you have any  
 20 diaries or calendars that you've kept from say  
 21 January 1, 2005 through January 30, 2007 dealing  
 22 with any of your complaints in this lawsuit,  
 23 marked them on any calendars, marked them on any

226

228

1 3:18 PM  
 2 FURTHER DEPONENT SAITH NOT  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

229

## 1 C E R T I F I C A T E

2

3 STATE OF ALABAMA )

4 MONTGOMERY COUNTY )

5 I hereby certify that the above and  
6 foregoing deposition was taken down by me in  
7 stenotype, and the questions and answers thereto  
8 were transcribed by means of computer-aided  
9 transcription, and that the foregoing represents  
10 a true and correct transcript of the deposition  
11 given by said witness upon said hearing.

12 I further certify that I am neither of  
13 counsel nor of kin to the parties to the action,  
14 nor am I in anywise interested in the result of  
15 said cause.

16

17

SELAH M. DRYER, CSR

18

19

20 My Commission Expires  
June 30, 2010

21

22

23

<p>***** ***** <b>*</b> ***** (227:23)</p> <p>'05 (93:8) (101:8) '06 (92:7) (203:5)</p> <p><b>0</b></p> <p><b>06-cv-1145-mef</b> (1:6)</p> <p><b>1</b></p> <p>10-hour (100:4) 10th (7:6) 120 (32:15) (32:16) (33:10) <b>12-hour</b> (100:4) (100:6) 144 (2:7) (6:7) 16th (11:13) (16:5) 17th (5:7) 18th (26:17) (26:22) (27:12) (27:17) (206:23) 1948 (7:6) 1970 (35:15) 1972 (8:19) 1973 (22:13) (35:15) 1974 (38:16) 1975 (38:16) 1979 (40:7) 1988 (3:4) 1990 (20:15) 1991 (21:23) 1994 (23:8) 1998 (8:19) 19th (28:19) (28:21) (32:18) (223:9)</p> <p><b>2</b></p> <p>200 (5:7) 2001 (10:8) 2005 (74:7) (226:21) 2006 (26:18) (32:18) (74:8) (74:19) (90:16) 2007 (1:20) (2:9) (3:7) (6:10) (75:22) (226:21) 2010 (229:20) 208 (4:10) 20s (131:15) 20th (28:20) 221 (4:4) (4:11) 222 (4:5) 224 (40:21) 229 (4:6) 24-hours (95:11) 2537095 (7:16)</p> <p><b>3</b></p> <p>319 (5:7) 330 (202:19) (202:22) 35203 (5:8) 36104 (5:15) 36854 (11:14)</p> <p><b>4</b></p> <p>418-66-2239 (7:9) 425 (5:14)</p> <p>'50s (132:18)</p> <p><b>5</b></p> <p>5508 (11:13)</p> <p><b>6</b></p> <p>601 (24:8)</p> <p>'70 (39:13) '73 (21:7) '74 (35:15) (39:13) '75 (21:7) '76 (38:17) (40:7)</p>	<p><b>7</b></p> <p>7th (76:11)</p> <p>'89 (20:16)</p> <p><b>8</b></p> <p>8-hour (100:4) (100:6)</p> <p>'99 (8:19) (92:4)</p> <p><b>A</b></p> <p>abilities (154:1) able (96:16) (148:4) (148:6) (162:5) (166:13) above (6:10) (20:2) (44:14) (44:17) (229:5) absolutely (70:13) accept (92:13) accepted (195:20) (220:2) access (209:12) accompanied (78:16) accordance (3:2) according (38:2) (59:18) (101:9) (153:18) (160:12) (174:4) account (75:4) (227:16) acreage (49:22) across (216:1) act (213:13) acting (6:2) action (1:5) (48:3) (99:13) (99:14) (107:10) (226:1) (229:13) actions (46:23) (143:14) activities (117:14) (117:16) actual (49:13) (49:22) (118:23) (120:9) actually (16:5) (40:14) (41:6) (49:7) (51:15) (52:1) (56:15) (58:5) (61:21) (71:10) (90:17) (98:11) (122:17) (129:1) (135:8) (146:21) (146:23) (148:16) (149:6) (149:7) (149:12) (159:17) (174:17) (180:7) (196:7) (204:9) (206:14) (209:8) (211:1) (213:10) (218:13) (223:9) addition (165:7) address (11:12) (24:10) (43:6) (75:10) (76:21) (77:12) (78:11) (85:2) adjustments (97:18) administration (41:19) administrative (37:14) (39:1) (46:12) (49:10) (53:23) (58:7) (61:7) (98:6) (107:13) administratively (41:9) (41:15) (55:1) (55:3) (55:6) (66:20) (102:19) (106:15) (146:22) (147:4) admitting (134:5) (136:2) advertised (101:18) advertisement (113:16) advised (3:9) (29:22) (107:23) advising (220:4) affairs (15:22) (204:21) affected (216:3) afghanistan (24:18) (34:13) afraid (31:6) after (15:21) (26:9) (52:2) (62:1) (81:17) (81:18) (81:20) (85:5) (89:17) (90:21) (103:20) (110:11) (124:15) (127:10) (129:6) (129:7) (150:6) (155:20) (156:1) (161:4) (161:9) (162:6) (164:20) (165:2) (166:18) (169:22) (172:19) (181:20) (184:17) (194:21) (197:1) (197:14) (199:9) (204:20) (205:7) (205:23) (208:18) (214:20) (217:22) (220:9) afternoon (105:19) against (16:16) (154:2) (154:17) (155:1) (156:2) (156:3) (162:10) (196:18) (215:7) (224:5) age (153:1) (155:17) (160:18) (160:19) (164:9) (165:13) (166:23) (167:2) (168:2) (168:3) (168:16) (169:9) (186:9) (186:17) (194:16) (196:1) (197:21) (197:23) (214:14) (224:3) (224:23) agencies (41:20) (46:17) (54:4) (61:10) (67:2) (98:9) agree (226:13) agreed (2:2) (2:10) (2:17) (34:6) (169:17) agreement (54:7) (169:16) (213:13) ahead (216:9) aiming (160:19)</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

air

believe

231

air (204:5)  
 airline (27:3) (29:8)  
 ak-47s (218:19)  
**alabama** (1:2) (2:8) (3:3) (5:8) (5:15) (6:2) (6:4) (6:8) (7:10) (7:21) (7:23) (8:4) (8:17) (9:1) (10:2) (11:14) (12:1) (12:10) (12:16) (14:7) (21:2) (21:6) (28:5) (28:7) (62:8) (74:8) (75:5) (75:10) (83:10) (112:12) (129:23) (229:3)  
**allege** (139:6)  
**allen** (90:8) (90:12) (91:6) (92:6) (94:21) (94:22) (95:1) (181:19) (217:19) (218:1)  
**allocated** (64:16) (65:15)  
**allowed** (180:1) (180:5) (223:17)  
**almost** (36:21) (93:13)  
**along** (3:7) (56:16) (85:1) (97:17) (126:7) (137:22)  
**already** (143:10) (175:7) (195:18) (198:14) (202:21)  
**altogether** (163:8) (163:14)  
**always** (32:15) (33:8) (36:21) (113:21) (144:21)  
**amended** (3:4) (203:20)  
**amount** (53:12) (53:20) (64:23) (65:14) (66:1) (70:5) (92:23) (147:9)  
**angry** (157:11)  
**anguish** (215:11) (215:20)  
**announcement** (114:10)  
**annual** (53:5) (66:6)  
**another** (19:1) (85:18) (95:15) (95:22) (112:8) (122:1) (148:3) (167:5) (195:6) (199:9) (200:5) (200:6)  
**answer** (83:5) (119:6) (147:22) (165:20) (168:20)  
**answers** (229:7)  
**anticipated** (28:8)  
**anybody's** (107:20)  
**anymore** (162:22) (164:6) (164:7) (164:22) (166:1) (170:8) (181:22) (200:3) (207:9)  
**anyway** (208:2)  
**anywhere** (26:9) (83:17)  
**anywise** (229:14)  
**apartment** (12:2) (12:7) (77:5)  
**apo** (77:11)  
**apologize** (54:5)  
**apparently** (89:23) (126:9) (154:12) (196:11) (198:23) (211:3)  
**appeared** (141:3)  
**applicants** (82:3) (82:5)  
**application** (22:2) (25:6) (25:8) (26:2) (35:7) (83:8) (84:6) (84:9) (84:20) (84:23) (85:5) (85:6) (102:9) (115:22) (116:1) (126:4) (127:6) (134:17) (152:22)  
**applications** (101:20)  
**applied** (24:13) (25:2) (25:13) (26:5) (26:8) (34:1) (81:17) (81:20) (83:19) (84:16) (86:1) (101:13) (102:1)  
**apply** (24:11) (25:17) (25:20) (26:9) (28:11) (57:15) (83:17) (84:7) (84:18) (101:14) (115:23)  
**applying** (113:14) (133:18)  
**appointed** (52:18) (52:19)  
**appointment** (156:14) (156:15) (156:17)  
**appropriate** (133:18) (133:23)  
**approval** (53:9)  
**approved** (44:23) (65:7) (65:8)  
**approximately** (2:9) (6:9) (15:11) (35:14) (50:12) (202:12)  
**april** (127:11) (127:14)  
**area** (49:19) (49:21) (50:3) (53:3) (61:17) (70:22) (71:4) (71:6) (71:16) (71:19) (72:8) (72:20) (72:21) (83:15) (90:6) (129:19) (132:23) (136:9) (137:14) (151:2) (172:5) (201:3)  
**areas** (71:3) (71:9) (99:12) (119:14) (136:10)  
**argument** (191:16)  
**around** (53:15) (63:18) (75:3) (107:6) (139:16) (142:13) (142:14) (199:20)  
**arrested** (19:15)  
**arrive** (26:21)  
**arrived** (162:5) (223:6)  
**articulate** (142:5)  
**articulated** (143:17)  
**asking** (17:1) (123:23) (127:8) (134:3) (141:23) (160:20) (179:15) (194:22) (197:4) (208:7) (214:4)  
**aspects** (60:21)  
**asset** (144:1) (144:10)  
**assign** (2:22) (35:4)

**assigned** (35:2) (36:13)  
**assistance** (177:1)  
**assistant** (36:9)  
**associated** (204:23)  
**assume** (24:7) (28:12) (28:22) (39:7) (69:1) (75:4) (82:4) (86:23) (89:4) (95:14) (103:7) (103:8) (104:5) (105:21) (136:12) (139:12) (142:17) (154:22) (160:15) (181:4) (187:18) (210:18)  
**assumed** (28:8) (155:9) (155:11) (161:2) (163:20) (176:19)  
**assuming** (102:18)  
**assumption** (142:18) (210:20)  
**assure** (170:20)  
**atlanta** (27:6)  
**attached** (116:2) (208:13) (221:6)  
**attend** (13:19)  
**attended** (13:23) (14:9) (20:22)  
**attending** (37:20)  
**attorney** (9:8) (9:11)  
**auburn** (1:11) (2:8) (6:8) (16:10) (18:18) (30:9) (31:16) (31:20) (35:21) (39:14) (39:15) (39:18) (48:22) (51:9) (58:22) (63:16) (63:22) (78:23) (80:17) (83:9) (83:18) (84:14) (84:19) (87:1) (95:1) (113:9) (113:15) (113:18) (114:4) (114:5) (115:19) (127:7) (144:15) (158:3) (158:11) (161:10) (190:13) (196:14) (200:7) (200:10) (200:19) (207:10)  
**august** (7:6) (76:11) (92:3)  
**austin** (67:9)  
**australia** (33:15) (33:19)  
**authority** (18:1) (36:1) (39:8) (44:1) (84:2) (112:13) (138:10) (147:7) (174:6)  
**available** (21:15) (21:16)  
**avenue** (2:8) (6:8) (11:13) (16:6)  
**average** (39:19)  
**avoid** (17:3)  
**aware** (13:9) (13:12) (13:15) (80:20) (81:1) (82:15) (121:2) (121:6) (121:9) (125:14) (135:15) (168:12) (222:11) (223:13)  
**away** (25:23) (199:2) (204:22) (206:3)  
**awhile** (84:12)

---

**B**

**back** (20:18) (24:17) (76:12) (77:17) (77:18) (88:16) (88:17) (97:15) (107:22) (119:10) (123:17) (128:2) (128:16) (156:5) (156:8) (172:13) (174:19) (185:4) (191:14) (198:23) (202:19) (204:5) (204:21) (206:19) (210:10) (210:13) (210:15) (217:22) (225:16)  
**background** (143:20) (144:10) (147:13) (147:20) (147:23) (148:3) (196:5)  
**backing** (126:12)  
**bacteriological** (176:7)  
**bad** (162:17)  
**bag** (29:20)  
**baghdad** (29:3) (29:14) (30:14) (30:16) (30:18) (31:1)  
**balding** (140:19)  
**banking** (75:4)  
**base** (64:4) (76:22) (77:10) (78:14) (201:10) (202:8) (218:21) (218:22)  
**based** (215:1) (219:9) (226:16)  
**bases** (31:5) (31:7)  
**basically** (62:13) (65:18) (97:16) (109:14) (192:11)  
**basis** (75:2) (187:6)  
**bayou** (72:8) (72:9) (72:13)  
**became** (93:9) (110:12) (119:12)  
**because you** (175:21)  
**bed** (77:2)  
**began** (27:12) (93:4) (139:8)  
**begin** (26:22)  
**beginning** (104:3)  
**behind** (156:5)  
**believe** (8:20) (10:8) (20:15) (21:21) (22:13) (23:8) (24:2) (24:18) (25:8) (26:17) (27:17) (28:19) (28:20) (35:15) (38:4) (38:16) (39:16) (50:1) (50:10) (58:18) (63:4) (63:12) (65:2) (71:13) (71:23) (73:2) (75:15) (75:23) (76:11) (76:17) (84:8) (84:22) (86:7) (86:10) (87:5) (87:8) (87:18) (88:16) (90:5) (90:8) (91:19) (96:2) (103:13) (106:19) (110:8) (112:11) (120:21) (123:18) (125:16) (126:17) (127:13) (129:18) (130:10) (132:11) (148:18)

believe

check

232

(149:7) (149:13) (150:17) (151:6) (151:8) (152:16) (156:12)  
 (158:2) (161:3) (174:18) (178:5) (178:15) (179:2) (179:6)  
 (195:12) (213:23) (220:8) (222:19) (222:23) (223:1)  
 (223:3) (223:11)

**believe** (85:11)

**benefits** (18:7) (92:15) (200:19) (200:22)

**besides** (7:21) (10:5) (181:3) (218:1)

**best** (111:15)

**better** (40:9) (76:20) (152:7) (153:18) (157:5) (214:15)

**beyond** (20:21)

**bid** (69:8) (69:12)

**big** (50:14)

**bigger** (46:5)

**bill** (209:2)

**billing** (144:3) (146:18) (146:21) (147:4) (147:5) (159:15)  
 (191:23)

**bills** (146:23) (208:23)

**biological** (23:3)

**birmingham** (5:8)

**birth** (7:5) (153:1)

**bit** (33:22) (138:23) (158:21) (191:21) (216:10)

**bi-weekly** (76:1)

**black** (5:13) (139:19) (140:1)

**blanket** (99:23)

**blink** (191:8) (191:14)

**blood** (12:22) (13:5) (13:7) (13:10) (13:13) (13:16)

**board** (18:18) (26:12) (30:9) (35:21) (39:14) (41:4) (48:22)  
 (49:17) (51:9) (52:15) (52:16) (52:17) (52:20) (53:8)  
 (54:4) (58:1) (58:2) (58:4) (58:6) (58:8) (58:11) (58:14)  
 (58:17) (58:21) (59:2) (60:11) (60:13) (60:14) (60:15)  
 (61:3) (62:3) (62:14) (66:15) (66:16) (66:18) (79:1) (79:3)  
 (80:15) (81:3) (81:19) (82:23) (83:3) (83:9) (83:18)  
 (83:22) (84:14) (84:19) (85:8) (85:15) (87:2) (89:17)  
 (91:22) (95:10) (101:20) (102:15) (113:2) (113:9) (113:18)  
 (114:4) (114:6) (114:17) (115:4) (115:19) (123:20) (131:3)  
 (131:14) (131:17) (131:22) (137:6) (138:16) (139:2)  
 (144:18) (145:22) (161:23) (165:1) (165:3) (165:5)  
 (176:11) (177:18) (179:12) (179:20) (180:16) (180:23)  
 (181:1) (182:3) (182:21) (183:1) (183:10) (188:11)  
 (191:19) (193:12) (193:19) (193:20) (193:21) (195:15)  
 (200:12) (212:8) (212:13) (214:6) (214:18) (216:11)  
 (220:4) (220:6) (220:10) (220:12) (221:19) (222:18)  
 (223:10) (223:22) (223:23) (224:12) (225:22) (227:9)  
 (227:20)

**boards** (44:23)

**board's** (60:20)

**bonded** (58:7)

**bonus** (201:5)

**bonuses** (204:4)

**book** (222:17) (222:20) (223:2)

**born** (8:3)

**bottom** (221:22) (222:6)

**boundary** (19:6)

**bracket** (203:16)

**brand-new** (198:11)

**break** (65:21) (73:22) (74:2) (125:20) (125:22) (126:1)  
 (185:8) (185:11) (219:21) (226:3) (226:6)

**broke** (175:9)

**brook** (12:2)

**brought** (216:9)

**brown** (23:22) (24:23) (25:2) (26:6) (26:16) (28:9) (30:10)  
 (31:15) (32:2) (34:14) (76:15) (172:17) (195:19) (195:21)  
 (203:23) (210:16) (211:2)

**budget** (38:21) (44:15) (44:20) (44:23) (45:4) (45:5)  
 (52:22) (53:3) (53:6) (53:7) (53:12) (53:17) (53:19)  
 (60:20) (61:2) (61:5) (64:12) (64:13) (64:17) (65:1) (65:5)  
 (65:20) (99:6)

**budgetary** (107:16)

**budgeting** (37:10) (37:11) (41:12) (44:13) (44:16) (60:21)  
 (145:17)

**budgets** (65:5)

**build** (140:11)

**builders** (138:13) (139:1) (139:4)

**building** (2:7) (5:6) (6:7) (137:7) (156:6) (180:18) (181:21)

**buildings** (180:1)

**bullard** (132:9)

**bulletin** (180:23) (181:1)

**bunker** (218:16)

**burglaries** (204:22) (205:19)

**businesses** (107:5)

**butcher** (193:12) (193:16) (193:17) (193:22)

**buy** (213:15) (213:18)

**buying** (213:11)

---

**C**

**caldwell** (67:9)

**calendars** (226:20) (226:23) (227:4) (227:19)

**call** (29:23) (30:17) (76:20) (84:19) (86:12) (108:3)  
 (125:8) (127:8) (127:16) (177:11) (177:13) (201:6)  
 (208:19) (216:16)

**called** (21:19) (58:13) (85:9) (85:10) (88:16) (88:17)  
 (108:5) (124:6) (170:22) (172:3) (172:21) (173:6) (174:18)  
 (174:19) (178:22) (183:11) (183:12) (183:14) (183:16)  
 (183:20) (185:15)

**calling** (118:5) (194:22) (223:16)

**calls** (30:4)

**calm** (173:11)

**came** (6:6) (81:21) (82:2) (82:8) (112:7) (128:1) (134:9)  
 (144:17) (156:8) (156:18) (159:18) (164:18) (172:13)  
 (198:9) (213:15)

**canceled** (74:17)

**cannot** (118:8) (223:19)

**capable** (154:20)

**capacity** (144:13)

**card** (211:22)

**care** (175:1)

**carrier** (207:19)

**carson** (87:6) (87:7) (130:20) (130:23)

**carter** (5:12)

**case** (18:23) (29:18) (98:21) (159:21) (185:14) (185:17)  
 (199:7)

**cases** (100:1)

**cash** (27:7) (205:11) (205:12)

**casual** (112:2)

**catch** (115:6)

**categorize** (136:22)

**catholic** (14:4) (14:8)

**cause** (6:11) (113:10) (225:23) (229:15)

**caused** (83:8) (170:17) (172:9)

**causes** (110:23)

**cell** (182:19) (183:7) (183:9) (183:14)

**center** (122:2)

**central** (84:2)

**cents** (201:2)

**certain** (8:14) (10:9) (15:13) (23:11) (28:20) (65:3)  
 (108:15) (117:11) (129:20) (170:17) (201:3)

**certainly** (194:12) (214:16) (214:19)

**certificate** (4:6) (20:10) (21:14) (21:20) (22:3) (22:6)  
 (22:12) (22:23) (94:11) (96:9) (119:15) (119:19) (119:21)  
 (120:7) (120:20) (120:23) (121:2) (121:5) (121:10)  
 (121:13) (121:20) (122:1) (122:7)

**certificates** (21:11) (21:13) (23:15) (23:18)

**certification** (95:3) (121:19) (121:21) (122:1) (122:16)  
 (166:14)

**certifications** (119:10) (122:20)

**certified** (94:4) (94:18) (94:21) (94:23) (95:19) (96:1)  
 (120:10) (122:13) (122:14)

**certify** (6:3) (229:5) (229:12)

**chain** (42:8) (86:3)

**chair** (180:19) (181:1)

**chambers** (12:23) (13:21) (14:1) (14:16) (15:8)

**chance** (196:7)

**change** (73:21) (105:8) (117:2) (117:6) (117:10) (182:10)  
 (190:1) (214:3) (214:5)

**changed** (43:14) (86:3) (105:9)

**changes** (106:8) (116:9)

**changing** (126:10)

**charge** (27:7) (39:4) (55:7) (120:14) (120:15) (120:18)  
 (149:1)

**charles** (131:21) (140:1)

**charted** (29:7)

**chartered** (29:11)

**cheap** (207:4)

**check** (74:13) (74:15) (74:20) (97:10) (97:16) (104:21)

checks

convince

233

(191:12) (205:11)  
**checks** (74:17)  
**chemical** (23:1) (93:21) (97:15)  
**chemicals** (64:21) (97:13)  
**chief** (31:20) (52:3) (54:17) (54:21) (54:23) (55:16) (91:4) (91:15) (91:17) (93:9) (101:10) (101:16) (104:3) (104:12) (106:5) (106:10) (106:18) (106:21) (110:2) (110:12) (111:19) (122:22) (123:14) (143:19) (144:23) (145:1) (176:4)  
**child** (10:10)  
**children** (9:15) (10:4) (10:20) (11:10)  
**choice** (200:9)  
**church** (13:20) (14:3) (14:4) (14:8)  
**churches** (14:9) (14:11)  
**cigna** (207:20) (207:21)  
**circumstances** (48:5) (185:23) (200:8) (215:2)  
**cities** (31:3) (31:4)  
**citizens** (144:15)  
**city** (1:11) (14:6) (15:9) (16:10) (27:21) (31:16) (38:3) (38:4) (38:7) (40:23) (41:6) (41:19) (42:6) (43:18) (49:14) (49:16) (49:18) (49:20) (54:8) (54:10) (56:4) (56:7) (57:6) (57:10) (57:17) (57:21) (58:4) (58:7) (58:9) (58:20) (60:10) (60:11) (62:7) (62:23) (65:7) (65:9) (65:10) (65:17) (66:3) (66:6) (66:12) (66:16) (67:1) (68:3) (68:8) (68:12) (69:3) (69:4) (69:12) (69:13) (69:20) (70:3) (70:15) (70:20) (71:2) (71:3) (71:5) (71:7) (71:8) (71:12) (72:3) (72:20) (72:21) (73:8) (73:14) (73:15) (78:23) (79:3) (80:15) (81:3) (93:15) (93:16) (93:21) (95:1) (95:4) (96:18) (98:22) (113:15) (114:6) (123:18) (127:7) (138:15) (146:8) (146:11) (161:23) (180:1) (180:18) (196:16) (200:19) (223:6) (227:8)  
**civic** (14:15)  
**civil** (1:5) (3:3) (6:4) (21:9)  
**claim** (17:2) (17:22) (18:3) (161:4) (164:7) (165:12) (186:8) (186:14) (186:16) (186:21) (187:15) (188:4) (197:20) (198:5) (199:14) (199:16) (200:15) (215:10) (217:6) (218:9) (225:8) (226:9) (226:14)  
**claims** (16:15) (17:7) (17:9) (17:13) (186:12)  
**classes** (20:23) (21:1)  
**cleaning** (119:4)  
**clear** (33:22) (82:21) (161:8) (187:14) (190:15) (219:8)  
**clearance** (48:2)  
**clerk** (40:23) (41:10) (42:6)  
**clerks** (191:8)  
**cleve** (43:15) (43:18)  
**client** (226:3)  
**close** (14:19) (14:20) (14:23) (16:1) (53:20) (68:22)  
**closed** (18:11) (156:22)  
**closely** (58:6)  
**closing** (68:20) (69:2) (143:9)  
**clothing** (29:21) (204:18) (204:19)  
**clubs** (14:14)  
**coats** (102:7)  
**cobra** (210:18)  
**coemployees** (168:14)  
**coffee** (24:21)  
**cold** (111:8) (209:7)  
**cole** (5:13)  
**collect** (110:20) (122:16)  
**collected** (108:12) (110:18)  
**collecting** (122:12) (171:9)  
**college** (20:22) (20:23) (21:1) (37:20)  
**color** (109:23) (140:22)  
**come** (75:9) (77:17) (81:16) (98:22) (151:20) (202:19) (210:15)  
**coming** (77:18) (185:4) (223:16)  
**command** (42:9) (86:3)  
**commencing** (2:9) (6:9)  
**comment** (129:12) (150:4) (161:5) (161:13) (161:15) (162:13) (162:20) (164:5) (167:9) (167:11) (169:10) (171:7) (174:7) (191:4) (193:18) (194:3) (195:8) (198:7) (218:12)  
**comments** (139:9) (153:10) (153:13) (165:21) (166:22) (169:4) (169:7) (187:1) (194:19) (195:9) (198:6) (199:13) (200:1) (216:14) (216:19) (216:20) (221:21) (222:3) (222:6)  
**commercial** (29:4) (29:6)  
**commercially** (29:9)

**commission** (46:18) (46:19) (54:3) (229:20)  
**commissioner** (6:3)  
**committee** (80:10) (128:10) (130:9) (130:13) (130:21) (132:17) (136:20) (153:5) (190:4) (190:10) (190:16) (190:21) (192:4) (193:1)  
**communicated** (198:23)  
**communication** (109:10)  
**community** (107:6)  
**comp** (17:9) (17:11) (17:13) (17:22)  
**company** (16:16) (17:2) (19:2) (27:10) (29:4) (42:18) (42:20) (61:22) (67:17) (143:10) (193:15) (193:17) (207:7) (207:15) (207:17) (209:15) (211:4)  
**comparable** (41:3)  
**compared** (39:13)  
**compensation** (18:3) (18:13) (57:13) (70:7) (83:12)  
**competitive** (69:12)  
**complain** (180:10) (181:6) (181:22)  
**complained** (16:21) (181:12) (184:15)  
**complaining** (225:18)  
**complaint** (108:1) (108:9) (109:18) (110:4) (110:21) (123:12) (139:6) (165:1) (165:2) (180:13) (226:1)  
**complaints** (47:13) (109:20) (111:1) (111:17) (123:10) (123:11) (124:7) (125:2) (125:3) (125:6) (134:23) (144:2) (145:4) (150:2) (160:2) (161:21) (162:4) (171:2) (179:13) (182:6) (226:22) (227:10)  
**compliance** (2:14)  
**complying** (223:7)  
**compound** (76:22)  
**computed** (146:23)  
**computer** (141:15) (144:3) (145:18) (227:4) (227:16)  
**computer-aided** (229:8)  
**computers** (136:14) (145:22) (146:1) (146:4) (146:7) (146:10) (146:13)  
**concern** (193:5)  
**concerned** (154:19)  
**conclude** (143:2) (213:6)  
**conditions** (179:22) (182:7) (201:8)  
**conference** (2:6) (6:6)  
**congratulated** (103:22)  
**congratulations** (104:2)  
**consider** (14:1) (14:20) (14:23) (16:1)  
**consideration** (214:17)  
**considered** (77:15) (196:8) (222:9) (222:22) (223:6)  
**constant** (159:8) (162:3)  
**constantly** (142:11)  
**construction** (46:2)  
**consumer** (70:12)  
**contact** (67:3) (98:2) (106:23) (107:3) (107:22) (109:10) (112:2) (115:3) (183:6)  
**content** (163:21)  
**continental** (27:4) (29:10)  
**continued** (118:16)  
**contract** (65:10) (120:17) (160:1) (160:5) (160:6) (160:7) (160:9) (206:7) (206:10) (206:12) (206:13) (206:18) (206:20) (211:16)  
**contracted** (66:2)  
**contracting** (193:10)  
**contractor** (137:9) (137:17) (210:22)  
**contractors** (137:3) (137:5) (137:6) (137:7) (137:11) (137:14) (137:23) (138:3) (138:4) (138:5) (138:7) (138:9) (138:12) (138:17) (138:20) (193:3) (193:5) (193:7) (193:9)  
**contracts** (19:13)  
**contribute** (92:18) (144:5)  
**contributing** (212:21)  
**convenient** (109:1) (109:2)  
**conversation** (86:16) (116:15) (152:2) (152:3) (153:11) (154:3) (155:21) (157:13) (157:22) (158:1) (158:22) (160:23) (162:9) (170:12) (171:17) (173:14) (178:18) (178:21) (179:17) (187:11) (189:17) (196:21) (198:13) (199:1)  
**conversations** (79:9) (79:20) (113:5) (116:12) (162:22) (163:7) (164:8) (165:7) (165:12) (165:16) (165:18) (166:2) (166:8) (166:21) (167:5) (167:14) (168:15) (168:22) (169:21) (170:8) (189:20) (192:2) (194:6) (194:14) (195:2) (196:23) (197:11) (220:5) (220:11) (220:12)  
**convicted** (19:17)  
**convince** (165:18)

cockout

difference

234

**cockout** (216:17)  
**cooks** (4:4) (5:3) (5:5) (6:21) (16:19) (48:12) (73:23) (77:9) (80:17) (83:4) (125:21) (147:21) (148:9) (163:9) (168:19) (176:14) (177:20) (185:9) (196:2) (208:15) (220:22) (221:1) (221:8) (221:11) (222:13) (225:9) (225:13) (226:10) (226:18)  
**cooperate** (171:8)  
**coordination** (149:19)  
**copay** (209:8)  
**copies** (99:4)  
**copy** (25:5) (207:19) (211:15) (221:9)  
**corporation** (49:1)  
**corporations** (212:8)  
**correct** (17:20) (20:19) (26:13) (27:18) (27:20) (32:1) (32:4) (32:6) (34:12) (35:6) (35:13) (38:2) (41:8) (41:11) (42:14) (42:17) (43:5) (43:21) (44:10) (44:12) (45:2) (48:18) (49:2) (49:10) (51:7) (51:10) (52:21) (53:10) (54:12) (54:15) (54:18) (54:22) (56:12) (56:19) (57:7) (57:22) (58:12) (58:18) (58:23) (59:7) (59:14) (59:20) (60:5) (60:18) (61:1) (62:4) (62:15) (65:13) (65:18) (65:23) (66:4) (67:21) (68:1) (68:7) (68:17) (69:22) (70:8) (81:15) (82:10) (83:1) (83:16) (84:16) (86:7) (86:14) (87:8) (87:18) (89:11) (89:22) (89:23) (91:16) (92:5) (92:8) (92:12) (93:3) (93:6) (95:13) (98:18) (98:20) (100:9) (100:20) (101:1) (101:11) (101:17) (102:2) (102:5) (102:20) (106:1) (106:4) (106:7) (106:19) (108:17) (111:14) (114:12) (117:4) (118:18) (120:12) (123:1) (125:5) (125:11) (127:13) (134:15) (136:1) (139:11) (141:20) (151:14) (169:20) (176:6) (186:10) (186:15) (189:4) (195:21) (203:9) (212:20) (212:23) (219:10) (219:13) (229:10)  
**correctly** (93:22) (149:10)  
**correspondence** (227:7) (227:8) (227:19)  
**cost** (53:14) (207:9)  
**cost-of-living** (99:19)  
**cot** (77:2)  
**counsel** (2:4) (2:19) (2:21) (6:6) (229:13)  
**count** (196:12) (196:14)  
**counties** (13:20) (13:22) (14:10) (14:17) (14:21) (15:1) (16:2)  
**counting** (163:13)  
**country** (16:8) (28:18) (185:14)  
**county** (9:3) (12:23) (13:2) (13:4) (13:8) (13:11) (13:14) (13:17) (14:1) (14:12) (15:8) (17:23) (19:3) (48:16) (49:16) (50:9) (51:12) (51:16) (52:19) (52:23) (54:2) (54:3) (56:1) (56:6) (56:8) (57:9) (67:1) (70:19) (71:15) (73:5) (83:21) (84:4) (138:9) (146:2) (147:6) (229:4)  
**couple** (27:20) (71:8) (166:9)  
**course** (21:8) (92:17) (138:14) (207:22) (214:13)  
**court** (1:1) (2:15) (3:10) (3:11) (6:18) (6:23)  
**cover** (209:4) (209:5)  
**coverage** (207:3) (207:5)  
**covered** (194:9) (194:12) (194:16) (194:18) (197:16) (214:3) (218:8) (218:23) (219:14) (219:15)  
**covers** (121:22) (218:11)  
**create** (127:23)  
**created** (128:4)  
**credited** (213:22)  
**crew** (171:8) (217:1)  
**crimes** (19:17)  
**criteria** (22:14) (23:9)  
**car** (1:23) (229:17)  
**cummings** (79:10) (130:12) (139:18) (156:8) (188:2) (188:4) (188:6) (221:16)  
**current** (11:12)  
**currently** (23:21)  
**curve** (152:6) (153:13) (153:22) (154:8) (154:14) (154:20) (198:8) (198:14)  
**customer** (70:12) (111:22) (123:10) (123:11) (134:23) (137:1) (144:1) (145:4) (150:2) (160:2) (161:21) (162:4) (171:2) (190:22) (191:9) (191:15) (191:20) (191:22) (199:5)  
**customers** (72:1) (107:7) (159:6) (159:7) (159:12) (159:17) (173:11) (191:23)  
**cut** (128:18) (128:19) (129:2) (220:18)  
**cuts** (136:16)

**D**

**damage** (225:4) (225:20)  
**damaged** (199:17) (218:10)  
**damages** (199:17) (218:9) (219:14) (219:16) (225:2) (226:17)  
**danger** (219:2)  
**daphne** (42:16) (43:1) (43:17) (72:20) (72:21)  
**date** (6:3) (7:4) (104:3) (104:4) (153:1) (206:21)  
**daughter** (161:11)  
**daughters** (158:10)  
**david** (60:7)  
**day** (25:1) (26:14) (26:15) (26:19) (26:21) (39:18) (59:23) (86:20) (97:8) (97:9) (97:17) (98:15) (98:16) (100:4) (100:6) (100:14) (100:16) (100:21) (101:6) (105:11) (105:16) (116:3) (118:10) (126:6) (127:10) (127:14) (128:1) (128:11) (128:16) (129:14) (150:12) (151:23) (162:4) (163:1) (167:4) (167:5) (172:21) (173:7) (187:4) (201:18) (217:19) (218:7) (223:12)  
**days** (27:16) (32:15) (32:16) (32:23) (33:3) (33:6) (33:9) (33:10) (33:11) (93:14) (105:7) (105:10) (201:18) (202:19) (202:22) (222:22) (223:4) (223:15)  
**day-to-day** (117:14) (117:15) (118:9) (119:1)  
**deal** (108:20) (109:16) (111:22) (136:15) (138:8) (159:7) (176:23) (191:5) (191:7)  
**dealing** (61:9) (70:11) (81:3) (144:1) (147:17) (157:16) (159:2) (159:12) (167:2) (191:22) (193:2) (226:21)  
**dealt** (67:4) (67:5) (70:11) (70:23) (80:15) (111:17) (138:12) (161:17)  
**december** (93:8) (101:8)  
**decide** (97:12) (209:22) (210:9) (210:12)  
**decided** (160:9) (178:3) (178:5) (182:18) (200:4) (214:23) (215:1)  
**decision** (187:23) (188:12) (198:14)  
**decrease** (97:19) (126:20)  
**decreased** (50:4)  
**dedication** (144:12)  
**deductible** (205:16) (205:18)  
**defendant** (1:12) (4:10) (5:10)  
**defendant's** (208:10) (208:12)  
**defer** (55:15)  
**definitely** (160:18)  
**definition** (47:17)  
**degree** (20:9) (20:11) (20:23) (51:2) (145:5)  
**delay** (116:8) (116:10) (116:14) (116:19) (117:5) (117:8) (117:9) (118:13) (126:8) (150:9)  
**delayed** (195:13)  
**delineation** (137:4)  
**delivered** (84:9) (116:3) (126:5)  
**delivering** (3:5) (144:15)  
**demopolis** (8:23) (9:5) (12:10) (12:12) (12:15) (17:17) (17:18) (62:8) (62:16) (62:18) (63:3) (63:11) (64:10) (64:23) (67:4) (73:12) (84:15) (138:21) (160:1)  
**denied** (195:23)  
**department** (41:13) (44:15) (45:15) (51:20) (53:1) (54:16) (56:13) (56:14) (58:19) (58:20) (60:23) (87:11) (164:13)  
**departments** (45:19)  
**depending** (22:5) (32:10) (48:5) (100:13) (100:15)  
**depends** (94:13)  
**deponent** (228:2)  
**deposit** (74:20) (74:21)  
**deposited** (74:23)  
**deposition** (1:16) (2:4) (2:12) (2:13) (2:23) (18:20) (18:22) (19:10) (74:5) (194:10) (208:18) (229:6) (229:10)  
**depositions** (2:16) (224:17)  
**derogatory** (168:6)  
**derrick** (131:16) (140:3) (141:10)  
**describe** (118:8)  
**described** (148:5)  
**description** (116:9) (117:6) (134:7) (134:9) (134:12) (135:6) (140:9) (174:5)  
**details** (31:6)  
**developers** (138:13) (138:22) (139:1) (139:3)  
**developing** (137:7)  
**development** (46:1)  
**diaries** (226:20) (227:1) (227:18)  
**died** (161:3)  
**difference** (22:22) (38:12) (50:22) (88:22)

different

estimate

235

different (31:14) (31:17) (31:19) (36:10) (78:9)	(134:5) (136:2) (139:9) (156:20) (160:23) (162:8) (179:13)
difficulty (214:10)	(179:19) (219:23)
direct (74:20) (74:21)	<b>duties</b> (31:8) (31:14) (49:11) (58:8) (59:15) (93:18)
directed (125:2) (125:4) (125:6)	(104:9) (104:14) (104:17) (107:14) (116:21) (116:23)
directly (51:20) (52:7) (52:12) (52:13) (55:7) (55:9)	(144:23) (145:1) (145:2) (166:11) (170:6)
(57:20) (70:11) (99:3) (108:4) (133:14) (170:1) (173:15)	<b>duty</b> (31:12) (100:12) (120:10) (120:11) (174:1) (219:4)
(189:1) (189:2) (218:18) (224:8)	(219:7)
directors (52:15) (53:8) (60:15)	
disadvantage (129:10)	
discharge (226:11) (226:13)	<b>E</b>
disciplinary (46:23) (48:3) (55:18) (61:15) (67:14)	<b>earlier</b> (117:1) (146:16) (158:17) (159:10) (173:1) (192:17)
(99:13) (99:14) (107:10) (143:13)	<b>early</b> (90:15) (93:8)
discipline (39:8) (42:1)	<b>earned</b> (74:18) (203:7) (203:22)
disclosures (185:15)	<b>east</b> (34:4) (34:11) (34:15) (35:5) (72:3) (129:23)
discoloration (109:23) (110:5) (111:9) (111:11) (124:22)	<b>eastern</b> (1:3)
disconnects (135:1)	<b>educate</b> (50:21)
discriminate (155:1)	<b>education</b> (20:2) (20:20) (154:1)
discriminated (154:2) (154:16) (156:2) (156:3) (162:10)	<b>eeoc</b> (17:7) (165:1) (165:2)
(196:18) (215:7) (224:5)	<b>effect</b> (2:13) (171:10) (225:23)
discrimination (185:23) (186:8) (188:7)	<b>effective</b> (3:4) (147:19) (148:7) (207:4)
discriminatory (155:14)	<b>eight</b> (39:19) (39:20) (39:21) (57:11) (93:14) (105:10)
discuss (45:14) (163:4) (164:14) (164:16) (169:19) (198:17)	<b>eight-hour</b> (105:15)
discussed (88:23) (163:18) (166:7) (168:17) (171:11)	<b>either</b> (34:2) (78:2) (85:12) (86:12) (98:8) (124:23)
(191:1) (197:14)	(140:2) (141:11) (147:3) (170:14) (213:15)
discussing (107:6) (191:19)	<b>elaborate</b> (155:6)
discussion (24:3)	<b>elected</b> (214:17)
discussions (149:14)	<b>element</b> (225:20) (226:16)
dismissed (198:22) (199:2) (199:6)	<b>eligible</b> (32:14) (32:20) (32:21) (33:2) (34:17) (224:18)
dispatchers (52:3)	(225:4)
dispute (19:6)	<b>elmore</b> (83:21) (84:2) (84:4)
distress (215:12) (215:21)	<b>e-mail</b> (81:6) (81:9) (81:16) (117:2) (189:23) (227:13)
distribution (81:14) (86:2) (86:4) (86:11) (87:17)	(227:15)
(104:18) (108:11) (112:5) (114:11) (117:13) (118:12)	<b>embarrassing</b> (216:4)
(118:21) (119:2) (119:23) (121:19) (122:2) (122:5)	<b>embarrassment</b> (215:10) (215:19) (216:10)
(126:14) (134:19) (135:19) (135:23) (144:20) (147:19)	<b>embrey</b> (15:2) (205:8)
(148:7) (149:2) (159:15) (166:11) (171:8) (171:14)	<b>e-m-b-r-e-y</b> (15:4)
(171:20) (172:3) (172:9) (173:4) (173:5) (175:1) (176:11)	<b>e-m-b-r-y</b> (15:3)
(217:1)	<b>eminently</b> (196:6)
district (1:1) (1:2)	<b>emotional</b> (215:11) (215:20)
dividing (126:10)	<b>employed</b> (15:14) (23:21) (58:3) (58:5) (85:7) (164:23)
division (1:3)	(165:4) (166:12) (190:12) (222:18)
divorce (9:2) (9:6) (158:9) (161:10)	<b>employee</b> (43:18) (54:19) (56:16) (57:21) (60:11) (60:12)
divorced (8:6) (8:22)	(60:13) (61:15) (67:22) (80:14) (123:18) (143:15) (164:9)
doctor (209:6) (209:16) (209:22) (210:7)	(165:14) (210:16) (210:21) (227:20)
doctors (209:13) (215:15)	<b>employees</b> (39:8) (39:22) (42:1) (42:12) (44:6) (44:7)
document (208:11) (221:4)	(44:9) (47:16) (50:8) (50:11) (52:7) (55:11) (55:14)
documentation (136:4)	(55:23) (59:1) (59:4) (59:8) (60:17) (61:12) (63:1) (63:5)
documents (74:6) (74:17)	(63:13) (67:11) (68:8) (68:13) (68:15) (68:16) (78:23)
doesn't (51:3) (168:10) (196:12)	(79:3) (81:2) (99:14) (100:1) (100:11) (107:11) (137:1)
doing (52:4) (104:11) (109:8) (109:11) (109:13) (113:20)	(192:7) (192:12) (196:16) (211:1) (211:6) (213:21)
(113:22) (118:7) (123:16) (123:19) (123:21) (124:21)	(216:18) (220:6) (220:12)
(125:9) (134:18) (136:11) (136:12) (137:20) (142:16)	<b>employees'</b> (41:22)
(145:3) (145:8) (145:11) (163:22) (178:7) (195:6)	<b>employer</b> (43:3) (80:14) (83:2)
dolbear (60:7)	<b>employment</b> (18:9) (48:16) (58:10) (81:4) (83:10) (84:23)
dollars (53:17) (53:21) (89:9) (89:13) (89:16) (89:20)	(91:22) (159:10) (179:12) (179:13) (179:20) (186:12)
(91:20) (92:1) (92:11) (201:1) (202:12) (205:10)	<b>employments</b> (212:7)
done (30:2) (30:3) (44:14) (44:17) (67:17) (67:18) (94:9)	<b>end</b> (98:15) (133:15) (216:23)
(108:2) (113:23) (119:5) (145:12) (149:10) (170:15)	<b>ended</b> (56:22)
(178:7) (180:15) (194:2) (221:13)	<b>endorsed</b> (223:13)
door (156:22) (159:18)	<b>engineer</b> (21:9)
dorothy (9:18) (10:5)	<b>engineering</b> (87:11)
down (18:11) (45:13) (45:17) (65:22) (116:11) (136:16)	<b>enough</b> (156:13) (184:4) (184:6) (212:10) (215:23)
(142:12) (162:6) (173:11) (175:5) (175:9) (176:19) (184:2)	<b>enrolled</b> (21:3)
(229:6)	<b>ensure</b> (59:17)
draw (18:12)	<b>entailed</b> (149:21)
drink (51:4) (170:21)	<b>entered</b> (99:2) (139:7)
drinking (31:11) (31:23) (32:5)	<b>enterprise</b> (44:9) (47:15)
drive (27:1) (84:20)	<b>entire</b> (49:4) (53:5) (53:7) (62:19) (71:2) (72:21)
driver's (7:11) (7:17) (7:20)	<b>entirely</b> (188:7)
drop (160:9)	<b>entitled</b> (56:3) (56:5)
drove (175:9)	<b>entity</b> (41:5) (48:21)
dryer (1:23) (2:5) (3:5) (6:1) (229:17)	<b>entry</b> (89:16) (89:19)
dubai (24:4) (29:13) (211:4) (211:11)	<b>eric</b> (87:5) (102:12) (103:5) (130:20) (130:23) (139:22)
due (47:6) (56:3) (56:5) (171:6)	(218:5)
duly (6:15)	<b>esq</b> (3:6) (5:3) (5:4) (5:11)
during (28:14) (87:22) (94:9) (97:9) (97:17) (99:20)	<b>essentially</b> (23:1) (42:7) (56:12) (89:3)
(99:22) (100:12) (100:21) (101:5) (111:19) (117:9) (127:5)	<b>estimate</b> (111:15)

**estimates**

**estimates** (53:19)  
**evaluation** (171:7) (194:18) (194:20) (200:2)  
**eventually** (29:3) (75:1) (195:12)  
**everybody** (59:13) (98:16) (129:13) (133:2)  
**everyone** (170:20)  
**everything** (46:7) (122:18) (188:16) (197:15) (197:16)  
(225:18)  
**evidence** (3:1) (74:18) (74:22) (187:16) (195:22) (196:4)  
**exact** (70:5) (71:4)  
**exactly** (92:2) (116:7) (198:4)  
**exam** (22:7) (22:8) (22:16) (22:18) (22:19) (23:11) (23:12)  
**examination** (4:2) (6:11) (7:1) (221:1) (222:16)  
**examined** (6:15)  
**except** (2:20) (19:13) (49:13) (105:11)  
**exception** (147:15)  
**exchanging** (178:17)  
**excuse** (198:9) (198:10) (199:9)  
**exhibit** (208:10) (208:12) (221:3) (221:5) (226:14)  
**exhibits** (3:8) (4:8) (4:9)  
**existed** (19:13)  
**existence** (49:23)  
**exists** (80:16)  
**expansion** (138:11) (138:23) (139:4) (150:3)  
**expense** (208:4)  
**expenses** (204:13) (204:15) (204:23)  
**experience** (22:5) (22:17) (23:11) (51:22) (89:14) (114:3)  
(115:14) (151:2) (152:4) (155:12) (157:16) (159:2)  
(159:11) (187:5) (187:8) (190:5) (190:10) (190:17)  
(190:21) (191:20) (191:22) (192:4) (193:2) (196:12)  
(199:5) (216:8)  
**experienced** (155:13)  
**expertise** (83:15)  
**expires** (229:20)  
**explain** (108:7)  
**explained** (158:2) (175:7) (199:6)  
**explanation** (198:21)  
**express** (167:6)  
**extended** (56:23)  
**extensions** (119:3)  
**extensive** (141:16) (159:11)  
**extent** (226:14)  
**extra** (208:7) (208:8)  
**ex-wives** (8:7)

**F**

**face** (176:19)  
**facilities** (54:9) (64:7) (120:3)  
**facility** (94:14) (95:8) (106:6) (106:10) (106:13) (108:4)  
(108:5)  
**fact** (68:22) (144:2) (144:13) (160:4) (160:16) (168:10)  
(170:21) (186:2) (196:12) (214:1) (216:6) (224:4)  
**failed** (171:8)  
**fair** (30:7) (88:2) (88:6) (118:2)  
**fairly** (92:23) (105:12) (214:1)  
**fall** (56:1)  
**familiar** (131:11) (141:16)  
**family** (12:21) (33:18)  
**far** (72:18) (126:17)  
**fare** (204:5)  
**faucet** (109:2) (109:4) (111:3) (111:4)  
**faulkner** (20:5) (20:18) (20:21)  
**fault** (173:2) (173:3) (173:5)  
**federal** (41:20) (46:16) (54:4) (61:9) (67:2) (74:9)  
(202:20) (203:1) (203:3) (203:4) (203:6)  
**feed** (97:13)  
**feeders** (93:21)  
**feel** (175:4) (200:2)  
**feet** (56:22)  
**fell** (105:21) (184:2)  
**felt** (129:9) (143:7) (144:4) (152:7) (156:2) (196:17)  
(199:21)  
**fence** (104:15)  
**few** (162:6)  
**field** (51:19) (52:7) (52:9) (52:10) (55:8) (59:3) (63:4)  
(63:12) (192:1) (216:8) (217:1)  
**fifteen** (90:5)  
**fifty-three** (201:2) (201:15) (201:16) (202:6) (202:7)

**friends**

236

(202:9)  
**figure** (53:16) (224:19)  
**figured** (202:5) (202:6)  
**file** (24:5) (98:21) (165:2) (211:13)  
**filed** (3:11) (17:6) (25:7) (74:8) (165:1) (203:19)  
**filings** (107:15)  
**fill** (105:11)  
**filled** (85:1) (105:21) (116:2) (126:5)  
**filling** (105:15) (106:12)  
**filters** (97:14)  
**finally** (103:22)  
**find** (83:7) (90:23) (201:4)  
**finding** (214:10)  
**fine** (175:5)  
**finish** (168:19)  
**fire** (17:23) (47:2) (47:14) (47:19) (48:6) (48:8) (48:17)  
(49:9) (50:9) (50:11) (50:12) (51:13) (51:17) (51:20)  
(51:23) (52:2) (52:3) (53:1) (54:2) (54:16) (54:17) (54:21)  
(54:23) (55:2) (55:15) (55:16) (56:7) (57:10) (119:5)  
(138:10) (146:2) (147:6) (149:3) (159:16) (218:18)  
**-fired** (200:11)  
**firemen** (54:21)  
**firm** (19:1)  
**first** (6:15) (22:9) (22:20) (23:12) (26:7) (26:15) (26:19)  
(31:10) (32:19) (35:11) (37:4) (89:1) (128:11) (128:16)  
(134:11) (146:14) (146:20) (150:18) (151:12) (154:3)  
(158:4) (159:18) (162:5) (162:9) (163:13) (165:8) (166:5)  
(175:15) (179:8) (187:4) (187:11) (189:17) (201:7)  
(201:12) (202:11) (206:21) (225:12)  
**firsthand** (189:10)  
**first-hand** (187:15)  
**fit** (152:7) (153:18) (157:5) (209:20)  
**five** (12:5) (50:11) (73:18) (105:10) (117:20) (129:18)  
(219:18)  
**five-day** (105:15)  
**fix** (172:22) (173:7)  
**flat-out** (154:2)  
**flew** (27:2) (28:22) (29:14)  
**flexible** (105:18)  
**flight** (29:12)  
**flip-flopping** (186:18)  
**flow** (94:13) (97:19)  
**flushed** (172:16)  
**flushing** (149:4)  
**fly** (27:1) (29:4) (29:8)  
**folder** (25:10)  
**folks** (68:2) (72:23) (73:17) (100:17)  
**follow** (75:10) (208:21)  
**followed** (67:17) (133:2)  
**following** (6:12)  
**follows** (6:16) (75:3)  
**food** (204:17) (205:2) (205:4)  
**force** (2:13)  
**forced** (34:8) (200:1)  
**forecalled** (47:22)  
**foregoing** (6:5) (229:6) (229:9)  
**forest** (40:10) (42:15) (43:3) (44:3) (45:3) (45:20) (46:13)  
(70:17) (72:19) (73:1) (146:5) (146:19)  
**form** (2:20) (16:20) (48:13) (76:16) (83:5) (147:22)  
(148:10) (163:10) (167:5) (176:15) (177:21) (196:3)  
**formal** (20:20) (48:14) (88:18)  
**formally** (21:3)  
**format** (133:1)  
**forms** (74:11)  
**forth** (204:6) (217:1)  
**forward** (31:5) (31:7) (78:10)  
**forwarded** (78:12)  
**found** (84:13) (150:10) (151:15)  
**four** (18:14) (21:19) (37:9) (42:11) (44:7) (59:10) (59:12)  
(73:2) (96:3) (96:5) (105:19) (117:20) (163:15)  
**franco** (5:12)  
**free** (208:4)  
**frequent** (118:3)  
**frequently** (16:4) (105:13)  
**friend** (24:16) (24:19) (24:20)  
**friends** (14:19) (14:20) (15:1) (15:19) (15:20) (16:1)  
(33:18) (33:20) (167:21)

front

hundred

237

**front** (191:15)  
**full** (2:14) (97:16)  
**full-time** (37:22) (54:19) (54:21) (89:5)  
**fully** (135:15)  
**fun** (216:11)  
**functions** (45:20) (98:6) (119:12)  
**furnish** (211:22)  
**further** (2:10) (2:17) (161:14) (167:14) (169:19) (228:2) (229:12)

**G**

**gallbladder** (127:3) (127:4) (128:17) (129:17)  
**gallons** (39:18) (50:15) (59:21)  
**gauges** (97:12)  
**gave** (84:23) (85:2) (104:4) (153:23) (185:2) (185:6)  
**gears** (73:22)  
**general** (48:20) (50:3) (78:7) (135:2) (135:13)  
**generally** (23:2) (36:18) (40:5) (55:17) (59:15) (68:11) (72:4) (78:2) (78:13) (78:15) (97:6) (97:8) (105:18) (109:22) (147:1)  
**generate** (50:16) (53:18) (59:22) (110:15) (111:5)  
**generated** (64:10) (66:7) (66:15) (98:23) (110:19)  
**gentleman** (95:23)  
**gentlemen** (223:14)  
**geographical** (71:6) (71:16) (71:19)  
**geographically** (72:2)  
**gesture** (129:2)  
**gestures** (139:9) (141:19) (142:10)  
**given** (18:20) (18:22) (66:18) (108:11) (142:19) (196:7) (196:16) (229:11)  
**glasses** (140:14)  
**godfrey** (131:16) (140:3) (141:11)  
**gone** (30:16) (32:12) (110:3) (158:8)  
**good** (143:8) (143:20) (144:9) (158:20) (162:18) (163:22) (216:9)  
**goods** (16:21)  
**gotten** (24:17) (69:12) (175:17) (175:19)  
**government** (67:1) (207:16) (209:1)  
**grade** (21:19) (119:14)  
**grade-four** (94:11) (94:17) (95:5) (95:20) (96:8) (119:15) (119:18) (120:6) (120:19) (121:21) (121:23)  
**grade-one** (122:3) (122:7) (122:9)  
**grade-three** (94:16) (95:21)  
**graduated** (19:21) (20:17)  
**great** (136:15) (138:8) (144:1)  
**greer** (80:5) (81:7) (81:10) (189:21)  
**grocery** (151:7) (151:8) (151:10)  
**ground** (50:18) (50:22) (51:3) (51:5) (54:13) (60:1) (63:19) (63:20)  
**grounds** (2:22)  
**group** (17:19) (18:6) (18:17) (61:22) (61:23) (62:2) (62:6) (62:11) (64:14) (64:19) (65:11) (65:16) (65:20) (66:22) (67:23) (68:4) (68:5) (68:16) (69:6) (70:1) (70:21) (71:1) (138:16) (138:21) (145:19) (147:10) (159:21) (161:18)  
**grouped** (64:20)  
**group's** (67:19)  
**guess** (16:23) (54:23) (57:20) (65:10) (65:14) (76:20) (83:11) (98:10) (118:16) (126:13) (126:21) (127:16) (127:20) (132:20) (141:8) (146:19) (149:16) (184:22)  
**guy** (184:7) (217:9)

**H**

**hadn't** (195:19)  
**hair** (140:17) (140:19) (140:20) (140:22)  
**halfway** (199:20) (216:1)  
**hand** (214:21)  
**handful** (110:13) (111:16)  
**handle** (58:20) (110:4) (110:21) (118:17) (137:23) (159:14) (159:16) (171:2) (176:23)  
**handled** (49:12) (58:8) (66:8) (111:16) (144:3) (160:2)  
**handling** (190:21)  
**hands-on** (147:3)  
**hanging** (142:12)  
**happen** (109:1) (162:17)  
**happened** (56:20) (85:7) (88:14) (103:19) (116:6) (127:1) (142:20) (150:5) (150:6) (155:20) (158:3) (162:22) (174:20) (183:23)

**happens** (202:19) (208:22)  
**happy** (69:5) (69:20) (163:6) (163:22) (163:23) (165:19) (199:23)  
**harsh** (201:8)  
**hate** (136:11) (225:13)  
**hazardous** (219:4) (219:6)  
**head** (128:13) (139:8) (141:18) (142:3) (142:6) (142:12) (142:13) (196:11) (209:7)  
**health** (92:18) (92:21) (200:22) (215:16)  
**hear** (24:14) (115:10) (115:12) (150:9) (156:7)  
**heard** (85:4) (112:19) (151:13) (189:6) (196:17) (197:9)  
**hearing** (56:3) (229:11)  
**hearings** (47:6) (48:10) (48:14)  
**heaters** (111:5)  
**heating** (111:6)  
**heavy-built** (140:13)  
**he'd** (158:16) (161:12)  
**heinz** (9:18)  
**h-e-i-n-z** (9:20)  
**held** (7:20) (26:12) (93:7) (117:12) (171:7) (171:18) (192:15) (194:19)  
**help** (77:14) (124:1) (144:5) (213:5)  
**henderson** (43:15) (43:18)  
**her** (8:9) (8:11) (10:2) (11:4) (80:6) (80:7) (132:5) (132:10) (132:11) (190:1) (205:9)  
**hereby** (3:5) (229:5)  
**here's** (123:23)  
**he's** (24:20) (96:5) (184:6) (187:7) (188:7) (224:15) (224:17) (225:4) (225:18)  
**high** (19:21) (20:1) (20:3) (20:17) (94:16)  
**higher** (51:2)  
**highest** (21:15) (21:16)  
**hildress'** (186:4)  
**hill** (5:12)  
**himself** (36:9) (170:22)  
**h-i-n-d** (9:19)  
**hire** (52:20) (151:5) (154:23) (157:18) (160:12) (161:5) (167:7) (167:15) (168:7) (168:9) (168:16) (198:15)  
**hired** (18:18) (28:3) (35:3) (37:4) (82:22) (85:14) (88:15) (90:1) (90:2) (90:17) (90:19) (90:20) (92:3) (92:6) (93:15) (93:16) (95:7) (96:4) (129:8) (134:19) (150:10) (150:13) (150:22) (152:4) (153:15) (155:3) (155:7) (155:12) (155:16) (157:14) (159:1) (166:19) (167:10) (169:8) (169:9) (186:3) (193:12) (193:19) (193:22) (211:18)  
**hires** (211:3)  
**hire's** (168:2)  
**hiring** (155:13) (167:1)  
**hold** (21:10) (21:13) (21:14) (23:19) (70:10)  
**hole** (149:9)  
**holland** (132:3)  
**home** (24:1) (46:1) (65:9) (67:19) (108:8) (109:5) (114:17) (125:8) (127:19) (130:6) (182:11) (182:13) (207:23) (210:1) (211:9)  
**homes** (107:5) (108:15)  
**hospital** (129:22) (130:2)  
**hot** (111:5) (111:7)  
**hour** (87:20) (89:9) (89:13) (89:16) (89:20) (91:20) (92:1) (92:11) (97:17) (200:18) (200:23) (201:2) (202:6) (202:7) (202:12)  
**hourly** (89:7) (90:4) (91:1) (94:2) (219:9) (219:11)  
**hours** (95:12) (105:8) (105:11) (105:16) (201:7) (201:13) (201:18) (201:21) (202:3) (202:11) (202:14) (204:9) (204:10) (204:12)  
**house** (16:5) (138:12) (139:1) (139:4) (204:22) (205:7) (213:5) (213:7) (213:9) (213:12) (213:14) (213:18)  
**houses** (137:7)  
**houston** (24:2) (24:7) (24:8) (25:9) (26:20) (26:21) (28:1) (28:13) (28:17) (28:23) (29:17) (67:18) (67:20) (184:22) (220:1) (220:7)  
**howard** (131:21) (140:1)  
**howe** (90:9) (217:19)  
**h-o-w-e** (90:11)  
**howell** (90:10)  
**human** (2:7) (6:7) (164:12) (164:21)  
**humiliating** (216:4)  
**humiliation** (215:11) (215:20) (216:10)  
**hundred** (128:4) (201:3) (205:10) (207:13)

hung

knows

238

hung (176:18)	(88:6) (88:8) (88:17) (88:19) (89:2) (102:10) (102:11)
husband (10:2)	(103:12) (103:15) (103:20) (127:9) (127:12) (127:18)
hydrants (119:5) (149:3)	(128:10) (129:13) (130:9) (130:12) (130:20) (131:6)
hydrogen (111:6)	(132:17) (132:21) (133:3) (133:4) (134:6) (134:17) (135:8)
<b>I</b>	(136:3) (136:20) (139:10) (142:10) (143:2) (150:6) (153:4)
i-10 (72:10) (72:11)	(190:4) (190:9) (190:16) (190:20) (191:19) (192:3) (193:1)
i'd (143:12)	<b>interviewed</b> (19:12) (86:21) (128:1) (184:22) (220:1)
idea (142:15) (154:11) (211:10)	<b>interviewing</b> (219:1)
identification (137:8)	<b>interviews</b> (131:2)
ill (209:21)	<b>introduced</b> (178:15)
i'll (74:13) (74:14) (78:9)	<b>inviting</b> (86:13)
i'm (8:6) (10:8) (11:1) (13:9) (13:12) (13:15) (15:12)	<b>involved</b> (18:23) (31:21) (32:3) (46:4) (80:13) (102:14)
(16:7) (16:23) (19:12) (24:4) (28:20) (31:5) (31:6) (32:11)	(143:18) (171:3) (187:20)
(32:14) (33:21) (38:3) (38:17) (44:21) (47:17) (58:16)	<b>involvement</b> (120:2) (120:4) (120:17)
(65:3) (66:17) (73:18) (73:21) (79:6) (90:11) (90:14)	<b>ira</b> (212:3) (213:1)
(102:18) (108:18) (113:7) (117:11) (121:2) (121:6) (121:9)	<b>iraq</b> (29:19) (33:22) (34:1) (34:13) (34:23) (35:1) (75:17)
(122:21) (123:23) (125:8) (126:9) (129:19) (130:11)	(76:21) (77:16) (204:16) (225:17)
(134:4) (135:15) (143:3) (149:18) (154:1) (154:10)	<b>issue</b> (108:9) (109:15)
(154:18) (154:20) (160:16) (163:15) (166:15) (167:16)	<b>issues</b> (107:7) (162:3) (162:6) (193:10) (194:12)
(167:19) (168:12) (168:17) (169:10) (169:15) (170:7)	<b>its</b> (43:6) (211:9) (226:15)
(175:15) (179:2) (179:3) (179:6) (179:15) (182:18) (183:2)	<b>itself</b> (196:5)
(190:6) (190:23) (193:4) (197:13) (197:14) (201:3)	<b>i've</b> (17:11) (30:16) (79:6) (80:19) (138:3) (159:3)
(201:17) (207:14) (208:7) (208:8) (208:9) (208:19) (214:1)	(168:13) (184:12) (197:8) (199:19) (204:21) (204:22)
(219:8) (219:18) (223:12)	(214:4)
<b>imagine</b> (148:1)	<b>J</b>
<b>immediately</b> (29:19) (154:16) (155:23)	<b>jackson</b> (12:16) (12:18) (57:6) (57:10) (57:18) (57:21)
<b>importance</b> (136:22)	(58:15) (58:16) (62:3) (62:7) (62:10) (66:14) (70:20)
<b>impression</b> (196:15)	(71:5) (71:12) (73:8) (138:15) (139:2) (145:21) (162:1)
<b>incidences</b> (177:17)	<b>jail</b> (19:19)
<b>incident</b> (183:17) (194:21)	<b>january</b> (226:21)
<b>incidents</b> (166:10)	<b>jefferson</b> (24:8)
<b>included</b> (102:3)	<b>jennifer</b> (10:23)
<b>including</b> (78:22) (119:2) (212:8)	<b>j-e-n-n-i-f-e-r</b> (11:3)
<b>income</b> (74:18) (76:17) (202:16) (202:20) (203:21) (204:3)	<b>jill</b> (132:3) (133:13) (191:4)
(213:20) (214:4)	<b>jill's</b> (191:6)
<b>incorporated</b> (71:10) (72:22)	<b>job</b> (28:9) (28:12) (28:15) (29:17) (29:22) (30:5) (30:11)
<b>increase</b> (97:19) (104:5) (104:7) (201:7) (201:23)	(33:21) (34:1) (34:2) (34:5) (34:8) (34:10) (35:20) (36:15)
<b>increased</b> (50:4)	(40:9) (52:5) (59:19) (62:13) (83:15) (87:22) (89:3)
<b>independent</b> (210:22) (225:8)	(92:10) (93:4) (94:11) (103:17) (112:9) (113:16) (116:9)
<b>index</b> (4:8)	(116:23) (117:6) (121:15) (122:5) (129:8) (134:6) (134:9)
<b>indicate</b> (159:11) (160:14)	(134:11) (135:6) (135:9) (135:11) (143:18) (144:13)
<b>indicating</b> (157:20)	(145:19) (147:12) (148:7) (148:22) (149:10) (149:21)
<b>indirect</b> (170:11) (171:17) (218:18)	(152:6) (154:13) (158:5) (158:7) (158:9) (158:12) (161:16)
<b>indirectly</b> (170:2) (171:4) (224:8)	(163:22) (164:2) (166:13) (174:1) (174:5) (174:23)
<b>individuals</b> (139:8)	(175:22) (175:23) (176:1) (176:4) (178:6) (178:7) (178:19)
<b>industry</b> (95:2)	(184:23) (192:13) (195:6) (196:6) (196:11) (199:19)
<b>inexpensive</b> (92:23)	(199:21) (200:5) (200:6) (200:20) (214:8) (214:9) (216:7)
<b>information</b> (40:4) (66:6) (99:2) (115:16) (115:18)	(217:5) (219:1) (220:2) (227:10)
(126:19) (136:19) (151:19) (185:17) (190:8) (190:20)	<b>jobs</b> (18:16) (26:3) (35:22) (70:9) (144:3) (144:17)
(192:3) (192:22) (193:1) (208:20)	(144:20) (145:11) (178:10) (214:11)
<b>informing</b> (127:17) (221:18)	<b>jokes</b> (216:12)
<b>in-house</b> (69:3) (94:2) (96:20) (96:22) (101:19) (101:22)	<b>july</b> (1:20) (2:8) (3:7) (6:9) (26:17) (26:22) (27:12)
(139:5)	(32:18) (74:18) (206:23) (223:9)
<b>initial</b> (185:15)	<b>june</b> (229:20)
<b>initially</b> (151:5) (189:6)	<b>jurisdiction</b> (71:12)
<b>injured</b> (183:19) (184:1)	<b>K</b>
<b>injuries</b> (17:11)	<b>kathy</b> (132:9)
<b>injury</b> (56:18)	<b>kbr</b> (211:14) (211:16) (211:17) (211:18) (213:21)
<b>input</b> (44:19) (153:7)	<b>kbr/d16apoae09312</b> (77:12)
<b>inside</b> (106:9) (180:8)	<b>keep</b> (25:10) (78:5) (212:9)
<b>inspection</b> (98:23)	<b>kellogg</b> (23:22) (25:2) (26:6) (26:16) (28:9) (30:9) (31:15)
<b>installed</b> (123:8)	(32:2) (34:14) (76:14) (195:19) (195:21) (203:23) (206:8)
<b>instance</b> (79:9)	(210:16) (210:22) (211:2)
<b>instead</b> (155:13) (193:12) (193:22)	<b>kept</b> (98:21) (99:4) (165:18) (226:20)
<b>instigated</b> (188:6)	<b>keys</b> (184:23) (185:2) (185:5)
<b>insurance</b> (17:2) (92:19) (92:21) (93:2) (207:2) (207:10)	<b>kin</b> (229:13)
(210:19) (211:22)	<b>knew</b> (33:23) (34:2) (34:9) (35:5) (55:1) (90:12) (130:15)
<b>interaction</b> (118:3) (118:4)	(130:23) (143:11) (144:13) (150:19) (152:13) (152:17)
<b>interested</b> (229:14)	(168:8) (214:19) (217:3) (217:4) (218:2) (219:2)
<b>interface</b> (149:22)	<b>knowing</b> (199:20)
<b>interfacing</b> (66:23) (134:21)	<b>knowledge</b> (19:13) (115:7) (122:19) (143:23) (148:14)
<b>international</b> (211:2) (211:6) (211:19) (213:21)	(166:14) (187:22) (188:1)
<b>internet</b> (24:13) (25:7) (28:3) (30:1) (30:3)	<b>known</b> (158:16) (161:12)
<b>interval</b> (33:11)	<b>knows</b> (185:21) (185:22) (186:21) (187:15) (187:18) (188:5)
<b>interview</b> (28:2) (28:4) (29:17) (29:23) (80:9) (85:9)	(188:14) (188:16) (188:17) (188:19) (188:20) (189:5)
(86:13) (86:17) (86:18) (87:4) (87:19) (87:23) (88:3)	

(189:10)  
**kukla** (79:16) (79:22) (95:22) (96:1) (180:6) (183:21)  
**kuwait** (34:21)  
**kyle** (167:10) (168:7) (168:16) (169:4) (170:22) (172:3)  
(172:19) (172:21) (173:1) (173:6) (173:15) (173:18)  
(173:20) (174:2) (174:9) (175:8) (175:11) (175:13)  
(177:11) (177:12) (178:14) (179:1) (179:18) (187:2)  
(187:17) (194:22)  
**kyle's** (173:2)

---

**L**

**labatre** (72:8) (72:9) (72:13)  
**labor** (139:5)  
**lacey** (1:8) (1:17) (2:4) (6:10) (6:14) (7:3) (7:4) (8:11)  
(10:15) (11:5) (74:4) (185:13) (221:11)  
**l-a-c-e-y** (10:16)  
**lack** (76:20)  
**lady** (132:12) (132:19) (133:12)  
**lake** (40:9) (42:15) (43:3) (44:2) (45:3) (45:20) (46:13)  
(70:17) (72:19) (73:1) (146:4) (146:19)  
**land** (46:1) (138:13) (138:22) (139:1) (139:3) (182:11)  
(182:12) (183:1)  
**lanett** (14:7) (14:9)  
**large** (2:6) (6:2) (39:12) (40:2) (49:21) (71:18)  
**last** (8:11) (8:15) (10:14) (11:4) (29:6) (43:15) (77:7)  
(87:19) (98:17) (103:12) (132:19) (132:21) (203:22)  
**late** (90:15) (105:20) (131:14)  
**later** (33:22) (78:10) (105:20) (156:8) (172:21) (174:8)  
**l-a-u-r** (10:12)  
**law** (94:20)  
**laws** (2:14)  
**lawsuit** (16:9) (16:18) (17:3) (19:1) (185:21) (186:7)  
(188:5) (188:14) (189:22) (194:9) (194:16) (199:17)  
(224:1) (224:22) (226:22)  
**lawsuits** (16:11)  
**leader** (52:10)  
**leading** (2:20)  
**learn** (107:23) (112:4)  
**learned** (52:1) (113:12) (179:10)  
**learning** (152:6) (153:13) (153:22) (154:8) (154:13)  
(154:20) (154:21) (198:8) (198:13)  
**lease** (213:11)  
**leased** (211:19)  
**lease-purchase** (213:12)  
**leases** (211:3)  
**leasing** (213:14)  
**least** (51:18) (51:19) (75:19) (76:6)  
**leave** (18:9) (32:23) (33:4) (37:19) (39:10) (40:8) (61:20)  
(68:18) (68:21) (77:22) (77:23) (78:17) (134:10) (199:19)  
(200:10) (214:18)  
**leaves** (140:2)  
**leaving** (18:17) (26:12) (57:9) (112:14) (113:5) (113:10)  
**led** (188:11)  
**lee** (5:4) (13:2) (13:4) (13:21) (14:16)  
**left** (28:7) (28:18) (28:19) (29:16) (29:19) (37:21) (39:18)  
(56:17) (81:18) (90:18) (90:19) (90:21) (91:22) (92:1)  
(95:4) (96:5) (100:6) (112:22) (118:20) (124:16) (126:14)  
(139:17) (156:5) (165:3) (168:13) (174:19) (179:12)  
(182:21) (214:20) (220:16) (223:15) (227:17)  
**leg** (29:7)  
**legal** (48:21) (210:23)  
**less** (89:13) (104:21) (108:12) (186:2) (187:2) (187:7)  
(200:18)  
**letter** (195:15) (195:17) (220:4) (220:9) (221:9) (221:15)  
(222:2) (222:9) (223:5) (223:8)  
**letting** (109:12)  
**level** (22:5) (69:5) (69:20) (89:16) (89:19) (119:18)  
**levels** (97:11)  
**license** (7:11) (7:17) (7:20) (21:17) (23:5) (96:14) (96:18)  
(97:4) (121:8)  
**life** (216:7)  
**liked** (184:6)  
**limited** (61:18) (62:12) (116:16) (118:5) (147:9)  
**limits** (49:18) (49:20)  
**line** (72:16) (119:2) (171:22) (172:10) (182:11) (182:12)  
(183:1)  
**lines** (119:4) (123:8) (123:9) (124:8) (149:3) (149:4)

(170:17) (172:16)  
**list** (35:8) (83:14) (141:16) (192:19)  
**listed** (13:21) (35:8) (35:11) (80:5) (185:19) (188:2)  
(188:19)  
**listen** (191:10)  
**litigating** (224:11)  
**litigation** (19:5) (80:13) (81:4)  
**little** (33:22) (71:9) (138:23) (199:9) (200:21)  
**live** (8:13) (9:21) (10:16) (11:8) (11:18) (11:23) (12:4)  
(12:6) (12:9) (12:11) (12:14) (12:19) (12:22) (14:21)  
(15:1) (15:5) (76:21) (76:23) (77:1) (216:2)  
**lived** (8:16) (10:7) (11:20) (12:16)  
**lives** (15:8)  
**living** (8:21) (8:23) (9:4) (9:5) (16:1) (84:15) (194:2)  
(201:8) (204:13) (204:14) (205:18) (208:3) (208:4)  
**local** (24:22) (52:18) (66:23) (193:2)  
**located** (77:8) (211:5)  
**location** (32:10) (115:6)  
**locations** (30:16)  
**long** (10:7) (11:15) (12:4) (12:11) (18:12) (28:17) (32:12)  
(32:22) (37:7) (57:8) (73:21) (77:7) (77:21) (87:19)  
(103:12) (113:1) (129:16) (132:21) (137:18) (143:10)  
(150:8) (156:13) (157:19) (160:13) (160:17) (160:20)  
(161:6) (165:14) (165:22) (167:2) (198:3) (199:11)  
(200:17) (206:12)  
**longer** (42:17) (81:8) (116:22) (164:13) (164:15) (183:1)  
**longtime** (164:9)  
**look** (7:14) (97:13) (191:13) (204:20) (205:6) (209:19)  
(209:22) (221:12)  
**looks** (15:21)  
**lori** (10:11)  
**l-o-r-i** (10:13)  
**lori's** (10:14)  
**lose** (205:22) (206:1)  
**lost** (158:9) (160:1) (200:15) (200:17) (205:23)  
**lunch** (125:20) (126:1)

---

**M**

**macon** (13:8) (13:21) (14:16)  
**mail** (78:3) (78:10)  
**mailed** (85:2) (223:9)  
**maintain** (207:23)  
**maintenance** (101:3) (106:11) (119:1) (119:4) (135:2)  
(145:15) (148:23) (149:2) (149:6) (149:8) (149:21) (185:1)  
(223:20)  
**major** (138:11) (194:12) (207:3) (207:5) (209:3)  
**make** (2:22) (26:2) (52:4) (55:20) (67:15) (83:8) (89:13)  
(93:21) (97:15) (97:18) (98:22) (102:9) (113:8) (114:18)  
(118:6) (153:10) (153:13) (161:12) (161:14) (162:13)  
(162:20) (164:6) (167:9) (169:12) (169:14) (174:7)  
(186:11) (187:14) (187:23) (191:11) (201:15) (202:11)  
(202:13) (216:11) (216:12) (218:12)  
**makes** (136:15)  
**male** (139:12)  
**males** (141:9)  
**maliciously** (184:15)  
**man** (24:20) (36:5) (52:10) (90:1) (98:15) (139:16) (140:21)  
(152:5) (152:9) (152:20) (153:12) (155:3) (155:12)  
(155:13) (157:15) (166:19) (170:16) (185:1) (187:4)  
(193:14) (194:2) (194:3) (196:11) (197:5) (199:4) (216:2)  
(217:4) (217:15)  
**manage** (118:11)  
**managed** (68:9)  
**management** (20:13) (68:10)  
**manager** (19:11) (40:13) (43:12) (45:14) (45:16) (45:18)  
(46:6) (48:20) (49:4) (55:9) (62:5) (62:9) (62:19) (81:14)  
(86:4) (86:11) (87:17) (112:6) (114:11) (117:13) (122:6)  
(134:20) (147:19) (148:7) (159:13) (159:19) (166:12)  
(171:14) (175:1) (188:11)  
**managers** (86:2)  
**manager's** (173:5)  
**managing** (192:4)  
**man's** (139:15) (150:23) (174:1) (195:6)  
**march** (127:21)  
**marengo** (9:2) (14:12)  
**mark** (208:9) (221:2)  
**marked** (208:12) (221:5) (226:23)

**marriage**

**marriage** (12:22) (13:5) (13:7) (13:11) (13:14) (13:17)  
**married** (8:5) (8:18)  
**martin** (79:14) (79:21) (95:19) (97:3) (102:4) (150:17)  
(151:4) (151:15) (166:18) (167:13) (168:1) (168:6)  
(181:18) (181:19) (188:18) (189:1) (189:5) (189:10)  
(189:16) (193:14) (218:3)  
**mary** (40:23)  
**master** (21:16) (23:4) (96:13) (121:7)  
**math** (93:14)  
**matter** (138:14) (160:4) (164:14) (164:16) (169:22) (170:1)  
(170:21) (175:16)  
**matters** (88:23) (158:2)  
**mayor** (42:10) (67:5) (67:6) (67:7)  
**mcCarthy** (79:12) (82:18) (85:11) (85:12) (85:15) (97:22)  
(103:23) (108:6) (110:10) (112:20) (116:16) (118:16)  
(150:20) (151:20) (164:12) (166:2) (180:14) (185:20)  
(186:21)  
**mean** (34:9) (49:17) (50:15) (68:9) (75:21) (79:6) (88:3)  
(95:11) (138:1) (143:4) (148:1) (155:1) (163:10) (177:7)  
(179:17) (204:23) (213:8) (224:10) (225:19)  
**means** (137:15) (229:8)  
**meant** (137:4) (142:17) (154:9) (154:11) (157:8)  
**meat** (151:10) (193:15) (193:17)  
**medic** (210:3) (210:6)  
**medical** (93:1) (207:2) (207:3) (207:5) (208:23) (209:2)  
(209:3)  
**medicine** (209:18)  
**medics** (209:17)  
**meet** (156:14)  
**meeting** (88:18) (89:1) (92:9) (156:20) (157:1) (216:16)  
**meetings** (163:19)  
**member** (13:19) (14:2) (14:14)  
**members** (12:21)  
**memphis** (9:22) (10:7) (10:17)  
**men** (131:14) (133:14) (223:20)  
**mental** (215:11) (215:16) (215:20)  
**mentioned** (24:17) (129:9) (132:20) (181:11) (193:4) (193:5)  
**merit** (99:19)  
**message** (164:11) (174:19)  
**met** (155:19)  
**meter** (119:3) (134:23) (145:16)  
**meters** (148:13) (148:14) (148:16) (148:17) (148:19)  
(148:20) (149:3) (149:22)  
**methods** (31:19)  
**michael** (131:8) (131:9) (140:2) (141:10)  
**middle** (1:2) (34:4) (34:11) (34:15) (35:5) (139:17)  
**might** (107:7) (109:16) (109:23) (110:22) (123:12) (169:17)  
(223:1)  
**military** (76:22) (77:10) (78:14) (78:18) (209:12) (209:22)  
(210:7) (218:21) (218:22)  
**million** (39:17) (53:15) (53:17) (53:21) (59:23) (65:3)  
**mind** (88:9)  
**minor** (17:11)  
**minute** (166:16) (170:8) (191:11)  
**minutes** (87:20) (103:13) (132:22) (132:23) (219:18)  
**missed** (214:4)  
**mississippi** (72:16)  
**mistake** (191:11) (191:13)  
**mobile** (8:17) (9:5) (9:6) (11:9) (12:20) (17:17) (17:21)  
(17:23) (19:3) (19:7) (35:11) (35:20) (36:1) (37:12)  
(38:10) (39:12) (39:16) (39:23) (48:16) (49:14) (49:16)  
(49:17) (49:18) (50:9) (51:12) (51:16) (52:23) (54:1)  
(54:8) (56:1) (56:6) (56:7) (56:8) (57:9) (70:19) (71:15)  
(72:3) (72:11) (73:5) (138:9) (146:2) (146:14) (147:6)  
**moment** (221:12)  
**money** (53:11) (53:13) (64:16) (66:1) (69:7) (69:21) (70:3)  
(74:23) (112:23) (200:16) (203:7) (203:22) (212:9)  
(212:12) (212:18) (213:2) (213:17)  
**monies** (76:14)  
**monitored** (113:15)  
**monitoring** (114:9)  
**montgomery** (5:15) (229:4)  
**month** (76:5) (108:12) (108:18) (108:19) (205:10)  
**monthly** (76:2) (76:3) (176:7)  
**months** (18:14) (18:15) (37:9) (57:11) (99:18) (162:6)  
**more** (10:20) (18:11) (55:2) (89:13) (89:15) (104:15)  
(104:21) (108:12) (112:23) (118:6) (157:16) (158:1)

**number**

(159:1) (165:21) (199:4) (200:16) (223:15)  
**morgan** (3:5) (4:3) (4:5) (5:11) (6:20) (7:1) (16:23) (48:15)  
(73:20) (74:4) (80:18) (80:20) (83:7) (125:19) (126:3)  
(148:2) (148:12) (163:12) (163:13) (168:21) (176:21)  
(178:1) (185:8) (185:13) (196:9) (208:17) (208:22)  
(219:17) (219:23) (220:21) (221:10) (222:16) (224:10)  
(224:20) (225:3) (225:7) (225:11) (225:15) (226:12)  
(226:19) (227:22)  
**morning** (103:23) (105:18) (112:7) (114:14) (130:6)  
(159:10) (166:17)  
**most** (30:2) (51:2) (56:15) (75:15) (75:16) (75:20) (105:9)  
(108:23) (135:19) (139:4) (144:20) (177:1) (190:12)  
(216:21) (216:22) (218:11)  
**mostly** (118:4) (139:1) (139:3)  
**move** (36:16) (99:16)  
**moved** (62:16) (180:22)  
**moving** (24:3)  
**municipalities** (44:22)  
**must** (113:7) (183:3) (183:4) (183:12) (190:6)  
**myself** (14:2) (41:5) (143:8)

---

**N**

**name** (7:2) (8:9) (8:11) (9:13) (9:17) (10:14) (10:22) (11:4)  
(14:5) (43:13) (84:4) (85:21) (85:23) (90:8) (112:13)  
(131:10) (136:11) (139:15) (140:7) (150:23) (152:17)  
**named** (14:10) (71:10) (97:3)  
**names** (96:7) (185:16) (217:10) (223:21)  
**nature** (19:4) (31:18) (74:18) (123:12) (137:21) (138:19)  
(177:6)  
**near** (139:17)  
**necessarily** (110:22) (120:13) (125:1) (126:10) (128:3)  
**necessary** (2:18) (44:15) (97:18) (148:6) (176:10)  
**need** (18:11) (94:9) (94:10) (94:17) (109:6) (118:6)  
(119:14) (119:15) (119:17) (119:18) (119:20) (119:22)  
(150:3) (154:19) (176:20) (179:5) (208:16) (214:9) (224:21)  
**needed** (35:4) (36:14) (47:3) (96:10) (96:14) (97:14)  
(105:4) (108:1) (119:5) (171:1) (172:22) (173:8) (173:18)  
(173:19) (179:8) (213:6)  
**needs** (124:7) (154:19) (204:19)  
**negative** (113:8) (139:9) (141:19) (142:10) (169:4)  
(194:19) (200:1)  
**negatively** (215:5)  
**neighborhood** (172:18)  
**neither** (229:12)  
**nell** (80:5) (81:6) (81:9) (117:2) (189:21) (227:14)  
**network** (81:7)  
**networks** (144:4)  
**never** (17:10) (30:8) (80:2) (109:5) (111:2) (125:6) (136:5)  
(141:6) (149:14) (167:10) (167:11) (171:13) (174:12)  
(174:14) (191:8) (191:10) (196:17) (197:8)  
**new** (104:3) (123:8) (123:10) (124:8) (134:23) (143:21)  
(145:3) (145:8) (145:12) (152:6) (166:23) (167:7) (167:15)  
(168:2) (168:6) (168:8) (168:16) (170:16) (185:1) (212:22)  
(214:6)  
**next** (10:10) (30:11) (38:1) (48:16) (57:5) (85:4) (85:6)  
(88:14) (103:19) (113:13) (116:5) (126:23) (132:12)  
(150:5) (150:6) (155:22) (162:21)  
**nice** (184:6)  
**niceties** (211:1)  
**night** (100:13) (100:15) (100:17) (101:5) (130:5) (130:7)  
**nobody** (158:11) (200:10) (200:11) (200:12)  
**nobody's** (142:19)  
**nonwork-related** (56:18)  
**nor** (3:10) (229:13) (229:14)  
**normal** (53:14)  
**normally** (51:2) (58:8) (67:5) (175:9)  
**norman** (1:8) (1:17) (2:4) (6:10) (6:14) (7:3) (177:5)  
(195:9) (197:6)  
**north** (5:7) (72:2) (72:9) (72:13)  
**notary** (2:5) (6:1)  
**note** (42:16) (180:16) (221:9)  
**notes** (56:17) (227:1) (227:5)  
**nothing** (88:10) (129:12) (157:1) (162:4) (182:5)  
**notice** (74:5) (180:20) (180:22) (181:2) (182:2) (184:17)  
**notification** (127:6)  
**nowhere** (152:23)  
**number** (1:5) (7:8) (7:13) (32:10) (77:11) (108:11) (108:15)

object

personal

241

(182:10) (183:10) (192:7)	our (53:14) (138:12) (138:23) (139:5) (226:3) outpatient (130:3) (130:4) outside (49:17) (49:20) (71:3) (101:20) (104:14) (104:15) (104:17) (104:23) (106:6) (106:12) (111:17) (121:15) (176:5) over (24:13) (25:7) (28:3) (30:1) (30:3) (45:8) (46:6) (46:8) (50:6) (55:5) (61:21) (62:1) (84:8) (84:20) (99:14) (112:12) (117:22) (122:4) (129:7) (149:9) (172:17) (174:6) (181:1) (202:21) (203:7) (204:19) (205:1) (205:5) (205:6) (206:15) (209:13) (209:16) (209:17) (210:1) (213:2) (225:17) overall (144:5) overlap (49:15) overnight (130:3) oversaw (147:1) overseas (25:15) (25:18) (25:21) oversee (146:22) overtime (33:5) (202:3) (219:8) own (48:4) (56:10) (98:14) (138:23) (139:5)
	<b>P</b>
	pack (29:17) packed (29:20) (206:3) page (4:2) (4:9) paid (17:10) (32:23) (33:3) (33:4) (76:1) (76:14) (204:10) (214:5) pain (215:12) (215:21) paperwork (98:11) (98:13) (98:14) (98:15) (110:15) (110:19) (136:3) (136:11) (136:15) parallel (41:2) part (30:2) (31:12) (44:16) (44:17) (105:9) (116:23) (117:5) (118:15) (118:17) (118:19) (121:14) (126:13) (126:14) (126:15) (135:9) (135:11) (135:23) (144:21) (147:11) (170:18) (176:3) (207:7) (207:8) (207:12) (210:20) particular (88:10) (109:15) (111:3) (167:17) (183:16) (192:19) particularly (46:17) (86:19) (216:15) particulars (31:17) parties (2:3) (2:21) (229:13) part-time (68:11) party (173:18) pass (22:6) (22:8) (22:16) (22:19) (23:12) past (78:8) (192:8) (214:11) pay (27:7) (74:19) (75:1) (75:9) (75:13) (75:20) (76:4) (76:15) (81:11) (81:13) (82:9) (82:12) (89:8) (92:20) (92:22) (104:6) (104:8) (201:4) (201:7) (202:16) (202:18) (202:20) (203:4) (203:6) (203:12) (203:21) (204:7) (204:20) (205:2) (205:4) (205:6) (205:9) (207:7) (208:7) (209:2) (209:8) (209:10) (210:4) (210:7) (211:21) (213:5) (219:4) (219:7) paying (69:7) (70:3) (203:1) (208:8) pays (164:2) (207:6) (207:8) (208:23) penick (5:6) people (14:20) (15:23) (18:23) (36:10) (40:20) (44:5) (45:11) (48:8) (50:13) (51:15) (68:12) (96:6) (102:13) (124:21) (130:8) (130:12) (132:17) (133:5) (135:20) (149:9) (156:6) (162:18) (169:2) (172:8) (182:23) (183:10) (185:16) (185:19) (211:21) (216:21) (216:22) (217:8) (217:11) (227:3) per (200:18) percent (128:5) (161:16) (161:19) (161:20) (162:7) (201:3) (201:10) (201:16) (202:7) (203:17) (219:5) (219:6) (219:12) perform (166:11) (170:5) performed (129:21) period (32:21) (36:15) (56:23) (62:12) (99:23) (111:19) (117:9) (117:21) (179:14) (210:19) permanent (76:21) (77:15) (199:21) (214:8) permanently (36:13) permission (78:22) (82:19) (109:4) (109:6) perry (5:14) persecuted (199:22) person (37:2) (46:3) (98:10) (101:5) (103:2) (105:22) (108:20) (110:3) (119:14) (120:14) (120:15) (122:4) (133:3) (139:14) (140:9) (142:6) (148:3) (148:4) (153:14) (154:18) (155:7) (155:15) (159:1) (166:12) (167:1) (169:8) (172:9) (186:18) (186:19) (191:4) (191:6) personal (194:2) (204:19) (204:21)

personally

questioned

242

personally (122:6)  
**personnel** (24:5) (56:2) (56:7) (56:8) (56:10) (56:14) (58:19) (58:21) (101:3) (116:4) (116:13) (211:12) (211:13)  
**person's** (36:6) (166:23)  
**pertaining** (81:11)  
**phone** (156:4) (163:16) (175:5) (176:19) (182:10) (182:11) (182:19) (183:7) (183:9) (183:15) (199:1)  
**phoned** (174:17)  
**physical** (114:18) (140:8)  
**physically** (16:5)  
**pick** (175:14)  
**place** (8:15) (26:5) (26:7) (35:11) (57:5) (76:22) (77:2) (77:16) (78:4) (78:9) (78:10) (103:9) (105:2) (105:22) (109:1) (158:4)  
**places** (35:8) (83:19) (105:5) (147:2) (192:20)  
**plaintiff** (1:9) (4:11) (5:2) (16:11)  
**plaintiff's** (221:3) (221:5) (226:14)  
**plan** (56:2)  
**plane** (29:5)  
**planned** (162:14)  
**plant** (51:8) (51:12) (57:18) (59:4) (59:5) (59:9) (59:16) (59:17) (60:4) (60:17) (61:12) (61:13) (63:15) (63:23) (64:2) (64:6) (64:8) (64:10) (82:22) (87:15) (88:11) (91:11) (93:5) (93:19) (94:1) (94:8) (94:19) (95:6) (96:11) (96:15) (97:7) (98:6) (99:16) (99:21) (100:8) (100:11) (101:23) (103:10) (104:11) (104:16) (105:3) (106:3) (114:17) (114:21) (114:23) (116:16) (116:22) (117:17) (117:18) (117:19) (118:15) (118:17) (119:13) (120:3) (120:5) (121:15) (122:23) (124:3) (124:20) (144:8) (145:7) (156:18) (158:13) (163:4) (163:17) (168:15) (169:3) (169:7) (174:6) (176:2) (223:15)  
**plants** (63:22) (64:4) (77:17)  
**play** (66:2)  
**player** (174:10) (174:13)  
**pleasantries** (178:18)  
**please** (3:9) (7:2)  
**plumber's** (21:17) (23:5) (96:13) (96:17) (97:4) (121:7)  
**plus** (201:16) (201:17) (202:7) (204:20) (219:11)  
**point** (65:2) (78:17) (143:15) (155:10) (155:11) (157:10) (169:18) (172:7) (212:5) (214:14)  
**pointing** (217:8) (217:14)  
**police** (71:11)  
**policy** (56:2) (207:18)  
**political** (14:15)  
**population** (70:22) (71:22)  
**portable** (156:4)  
**portion** (209:4)  
**position** (24:12) (24:15) (25:2) (25:14) (25:23) (26:11) (30:5) (35:21) (36:6) (37:19) (38:1) (40:11) (41:3) (43:8) (48:19) (57:17) (60:8) (70:10) (81:14) (81:17) (83:22) (86:2) (87:9) (87:12) (88:11) (89:5) (93:8) (96:10) (100:7) (101:13) (101:14) (102:1) (112:6) (113:14) (117:13) (126:4) (133:18) (143:19) (143:21) (144:7) (144:9) (144:11) (145:3) (145:7) (145:8) (145:12) (146:14) (150:11) (152:23) (153:14) (157:19) (191:6) (195:20) (196:8) (197:1) (198:3) (199:10) (212:22) (214:21)  
**positions** (26:3) (148:22) (192:15)  
**positive** (196:13)  
**possibility** (111:10)  
**possible** (36:17) (83:15) (226:16)  
**possibly** (36:10)  
**post** (113:17) (114:16)  
**posted** (114:6) (114:20) (114:22) (115:3) (180:16) (181:20)  
**posting** (114:18) (115:7) (115:9)  
**postings** (115:11)  
**potter** (40:23)  
**preference** (196:16) (196:22) (197:7) (197:8) (197:9)  
**preparation** (51:4)  
**prepare** (53:5) (53:19)  
**preparing** (53:17)  
**prescribe** (209:18)  
**present** (77:6) (156:20) (171:5) (171:16) (192:3)  
**pretty** (154:13)  
**previous** (131:1)  
**previously** (144:2)  
**prichard** (8:3) (20:1) (38:5) (38:7) (38:15) (38:19) (38:22) (39:2) (39:5) (39:10) (40:2) (58:14) (146:11)

**primarily** (30:18)  
**primary** (103:9)  
**principal** (105:2)  
**printed** (116:1) (126:3)  
**prior** (3:1) (144:16) (144:20) (145:10) (164:20) (172:16) (190:12) (222:5)  
**private** (42:18) (44:8) (47:15) (61:22)  
**probably** (39:17) (55:1) (75:17) (110:14) (132:20) (136:13) (153:2) (161:19) (162:2) (162:7) (218:6)  
**problem** (39:19) (127:23) (128:4) (135:20) (146:23) (161:11) (172:23) (173:4) (193:7) (214:13)  
**problems** (56:21) (107:7) (111:7) (116:8) (127:3) (137:14) (158:9) (171:19) (171:22) (172:14) (175:2) (182:9)  
**procedure** (3:3) (6:5) (114:10) (116:6) (126:15) (127:2) (150:7) (194:8) (194:15)  
**procedures** (67:16)  
**proceedings** (6:12)  
**process** (23:2) (47:6) (56:3) (56:5) (88:15) (93:22) (118:14) (134:22) (187:21) (213:11)  
**produce** (50:16) (59:22) (93:20) (201:4)  
**produced** (64:9) (66:8)  
**producing** (31:11) (59:18) (144:14)  
**product** (147:17)  
**production** (31:18) (60:22)  
**professional** (17:19) (18:6) (18:17) (61:22) (61:23) (62:2) (62:6) (62:11) (64:14) (64:19) (65:11) (65:16) (65:19) (66:22) (67:19) (67:23) (68:4) (68:5) (68:15) (69:6) (69:14) (70:1) (70:20) (71:1) (138:16) (138:20) (145:19) (147:9) (159:21) (161:18) (215:13) (215:14)  
**program** (92:18)  
**programs** (145:18)  
**project** (18:10) (43:12) (45:14) (45:16) (45:18) (46:6) (48:11) (62:5) (62:9) (62:20) (62:21) (64:22) (65:21) (68:20) (68:23) (69:2) (69:11)  
**projects** (25:18) (34:15) (65:15) (150:3)  
**prolong** (191:16)  
**promised** (158:11)  
**promoted** (91:13) (101:9) (101:12) (106:18) (166:3) (179:10) (186:9) (186:17) (186:18) (187:16) (187:17) (189:7) (194:8) (197:21) (215:22) (216:5) (216:13) (224:2) (224:6) (224:8) (224:23)  
**promotion** (81:5) (101:19) (114:10) (116:6) (118:14) (118:21) (119:13) (126:15) (127:1) (143:12) (147:13) (150:7) (153:8) (168:16) (170:9) (186:14) (186:16) (189:11) (189:16) (194:7) (194:15) (195:23) (197:22) (215:8) (215:9) (225:19) (227:10)  
**proper** (176:10)  
**properly** (160:3)  
**proposed** (126:20)  
**protection** (18:1) (78:19) (138:10) (147:7)  
**protest** (178:8)  
**proved** (199:7)  
**provide** (65:11) (143:20) (192:22) (204:17) (204:18) (207:1)  
**provided** (49:14) (136:20) (144:9)  
**psychiatrist** (215:15)  
**psychologist** (215:16)  
**public** (2:6) (6:1) (42:20) (46:17) (46:18) (49:1) (98:3) (107:1) (107:4) (107:23) (109:17) (111:18) (111:22) (157:16) (159:2) (161:17) (212:7)  
**publish** (66:5) (208:19)  
**pump** (172:15)  
**pumping** (104:19)  
**pumps** (93:21) (97:13)  
**purchased** (27:9)  
**purpose** (19:9)  
**pursuant** (6:4)  
**push** (180:23)  
**puts** (216:7)

Q

**qualifications** (186:5)  
**qualified** (170:18) (186:3) (187:2) (187:7) (196:6)  
**quality** (143:11) (144:14)  
**question** (112:2) (124:1) (133:13) (137:19) (137:22) (138:1) (141:5) (141:7) (144:22) (165:20) (168:20) (190:14) (220:22)  
**questioned** (192:6)

questions (2:20) (2:21) (133:2) (133:5) (133:7) (133:11) (133:16) (133:17) (133:22) (134:2) (136:18) (137:3) (137:10) (141:11) (141:13) (141:14) (141:22) (142:1) (192:23) (220:21) (222:14) (229:7)  
**quick** (73:22) (153:23) (185:8) (226:3)  
**quickly** (154:21)  
**quit** (184:13)  
**quite** (84:11) (85:22) (154:20) (159:4) (163:21) (191:21)

**R**

**raise** (99:19) (100:1) (171:6) (171:18) (172:11) (194:18) (195:11) (195:13) (215:6)  
**raises** (99:20) (99:22)  
**ran** (135:18) (135:22)  
**randall** (3:5) (5:11)  
**randolph** (13:11) (13:21) (14:16)  
**random** (108:13)  
**range** (193:10)  
**rarely** (98:4) (117:19) (118:4)  
**rate** (46:18) (89:7) (90:4) (94:13) (94:15) (94:16) (219:9) (219:11)  
**rather** (50:18)  
**raw** (104:19)  
**reached** (17:3)  
**read** (6:22) (134:6) (134:8) (134:11) (134:14) (148:17) (148:18) (148:20)  
**reading** (2:11) (145:16) (148:13) (148:15) (149:21)  
**readings** (119:3) (135:1)  
**ready** (29:18)  
**realized** (226:4)  
**really** (24:10) (24:22) (31:5) (40:3) (50:17) (50:19) (61:6) (64:11) (118:8) (140:10) (168:13) (195:8)  
**reason** (7:18) (47:20) (47:23) (82:1) (82:11) (89:10) (89:21) (111:21) (112:21) (116:19) (125:16) (142:6) (142:19) (155:7) (187:16) (199:11) (199:12)  
**reasons** (100:2) (159:23)  
**recall** (14:5) (18:15) (26:23) (43:7) (50:17) (50:19) (53:15) (57:11) (61:4) (61:6) (64:11) (66:17) (66:19) (70:5) (71:20) (74:14) (82:13) (83:20) (84:11) (84:12) (85:21) (87:11) (90:14) (92:2) (96:7) (110:13) (113:11) (116:7) (116:11) (127:15) (129:1) (134:1) (134:4) (134:5) (134:8) (136:2) (138:1) (140:15) (140:18) (141:23) (153:2) (153:3) (157:23) (158:22) (160:17) (160:20) (167:3) (167:12) (167:19) (167:22) (168:1) (168:4) (169:11) (169:16) (177:14) (179:4) (180:4) (182:8) (182:17) (183:2) (189:19) (190:7) (190:8) (190:11) (190:18) (194:11) (197:3) (197:15) (199:15) (218:7)  
**receipt** (205:13)  
**receipts** (74:16)  
**receive** (20:14) (21:22) (22:11) (23:7) (204:4)  
**received** (70:6) (74:7) (75:22) (76:6) (76:7) (86:12) (117:2) (117:10) (126:19) (127:5) (127:7) (127:17) (190:1) (223:2)  
**receiving** (23:9) (83:12) (90:2)  
**recommend** (42:2) (42:4)  
**recommendations** (55:20) (55:22) (61:19) (67:15)  
**reconnects** (135:1)  
**record** (196:13)  
**recorded** (82:18)  
**recorder** (79:8)  
**recorders** (79:7)  
**recording** (79:23)  
**recordings** (79:19) (80:7) (80:12) (80:21)  
**records** (101:9) (196:19)  
**redact** (208:16)  
**reduction** (81:12) (81:13) (82:9) (82:12)  
**refer** (152:8)  
**references** (164:7) (164:8)  
**refused** (177:18) (177:22)  
**refuted** (198:10)  
**regard** (174:8)  
**regarding** (141:15) (190:1)  
**registered** (85:2)  
**regular** (68:13) (68:14) (75:2) (219:9)  
**regulatory** (98:9)  
**rehire** (224:18) (225:5)  
**reimburse** (209:11)

**reimbursed** (209:3)  
**relating** (2:15) (190:19) (227:9)  
**relations** (190:22) (191:20) (191:22) (199:5)  
**relationship** (15:19) (15:21) (70:1) (184:3)  
**relatives** (12:22) (13:5) (13:7) (13:10) (13:13) (13:16)  
**relevancy** (226:16)  
**relevant** (226:15)  
**reliability** (144:12)  
**relied** (54:10) (54:17)  
**relocated** (62:8)  
**rely** (56:7) (197:20)  
**remain** (200:7)  
**remainder** (179:19)  
**remained** (28:13) (28:15) (126:15)  
**remember** (9:13) (25:1) (27:19) (43:13) (71:18) (71:21) (73:4) (73:8) (73:11) (84:4) (84:10) (85:22) (86:15) (86:20) (103:1) (103:3) (103:14) (113:1) (127:14) (130:8) (133:7) (133:10) (133:23) (136:21) (136:23) (137:2) (137:12) (140:16) (141:2) (167:18) (168:5) (168:21) (169:2) (169:6) (183:17) (189:14) (190:3) (190:15) (190:19) (191:2) (191:5) (191:18) (192:6) (193:11) (193:13) (197:4) (197:11) (197:17) (215:5) (223:19) (223:20)  
**remote** (97:12)  
**renewed** (160:5) (160:6)  
**renovation** (123:8)  
**repairs** (96:16) (96:22) (119:3) (122:18) (123:7) (135:2) (145:16)  
**replace** (90:1) (90:21)  
**replaced** (90:7) (91:6) (94:22)  
**report** (43:11) (45:10) (46:3) (46:4) (52:14) (55:2) (55:6) (60:6) (60:14) (66:18) (66:19) (85:15) (97:21) (98:23) (99:3) (102:21) (103:5) (110:16) (127:8)  
**reported** (17:12) (40:22) (41:9) (46:16) (54:3) (55:9) (63:8) (85:17) (86:3) (86:5) (102:18) (103:7) (106:14) (127:9) (205:20) (205:21)  
**reporter** (3:10) (6:18) (6:23)  
**reporting** (41:18) (67:1) (145:17)  
**reports** (66:5) (66:6) (66:15) (107:15)  
**representation** (143:8)  
**represented** (9:9)  
**represents** (229:9)  
**reprimands** (55:19) (61:16) (61:19) (143:14)  
**reputation** (217:3)  
**request** (81:22) (174:8)  
**requested** (74:6)  
**requests** (177:1)  
**require** (51:3) (96:17) (123:10) (123:12)  
**required** (108:10) (121:14) (122:9) (123:3) (123:6) (147:13) (201:17) (204:2)  
**requirement** (108:14) (176:8)  
**requires** (51:1) (96:18) (108:10) (148:14)  
**reschedule** (128:7)  
**residence** (11:16) (77:15)  
**residences** (73:3)  
**resign** (57:2) (57:3) (112:17) (113:13)  
**resignation** (195:15) (195:18) (225:8) (225:10) (227:11)  
**resigned** (57:4) (112:8) (112:15) (112:17) (220:13) (223:23) (224:12) (225:22)  
**resigning** (220:5) (220:10) (221:19) (223:10)  
**resources** (2:7) (6:7) (164:12) (164:21)  
**respective** (2:3)  
**response** (158:15) (193:23)  
**responsibilities** (37:11) (37:15) (38:13) (38:22) (39:2) (40:18) (41:16) (46:13) (46:21) (52:23) (54:1) (61:8) (64:13) (66:21) (93:19) (99:7) (104:10) (106:2) (106:6) (106:9) (107:9) (107:17) (118:9) (119:8) (126:11)  
**responsibility** (55:20) (55:21) (60:19) (61:16) (61:18) (106:21) (144:21) (147:4) (174:23) (176:18) (177:2) (177:4) (177:5) (178:3)  
**responsible** (41:12) (41:21) (44:13) (55:10) (55:13) (61:11) (63:2) (63:7) (67:10) (69:16) (70:11) (98:5) (98:11) (99:9) (107:19) (116:21) (146:17) (147:5) (148:19) (188:8)  
**rest** (203:5)  
**restaurants** (24:22)  
**restricted** (119:23)

## restrictions

## shaking

244

**restrictions** (44:18)  
**result** (16:17) (126:9) (172:17) (215:21) (224:6) (224:7)  
(225:2) (229:14)  
**resume** (85:1) (116:3) (126:7) (196:20)  
**retained** (3:10)  
**retaliatory** (226:10) (226:12)  
**retired** (15:15)  
**retirement** (92:17) (93:1) (160:18) (160:19) (164:9)  
(165:13) (165:22) (167:1) (200:21) (211:23) (212:1)  
(212:2) (212:10) (212:12) (212:19) (213:17)  
**retiring** (160:21)  
**retribution** (195:5)  
**return** (28:5) (33:1) (76:10) (76:18) (130:5) (130:6)  
(223:17)  
**returned** (32:18) (127:10)  
**returning** (128:11)  
**returns** (74:7)  
**revenue** (53:18)  
**review** (150:4)  
**revised** (134:9) (134:14) (174:5)  
**revoked** (7:18)  
**rick** (79:12) (79:21) (82:18) (85:11) (85:12) (85:15) (86:3)  
(86:13) (87:5) (88:21) (92:9) (97:22) (98:10) (98:19)  
(99:4) (100:23) (102:12) (102:18) (103:23) (106:16)  
(110:10) (112:20) (116:16) (116:18) (118:16) (123:21)  
(124:23) (126:13) (142:22) (150:20) (151:20) (151:22)  
(152:8) (152:15) (153:4) (153:7) (153:21) (153:23) (154:7)  
(155:4) (155:21) (155:23) (157:4) (157:8) (162:23) (163:1)  
(164:12) (164:17) (164:21) (165:8) (166:2) (166:9)  
(166:17) (166:22) (167:4) (167:6) (169:18) (169:23)  
(170:13) (171:3) (171:5) (171:11) (171:13) (171:15)  
(171:18) (171:19) (172:1) (172:2) (172:7) (172:23) (173:1)  
(173:17) (180:14) (181:20) (181:22) (185:5) (185:20)  
(186:20) (187:10) (187:15) (187:20) (188:21) (188:22)  
(189:6) (189:18) (193:11) (193:13) (193:23) (194:13)  
(194:14) (195:3) (195:7) (198:7) (198:13) (199:2)  
**rick's** (87:13)  
**ridicule** (216:12)  
**road** (12:3)  
**rocky** (12:2)  
**roderick** (5:3)  
**roll** (213:2)  
**rolls** (206:15)  
**romantic** (15:18)  
**room** (2:6) (6:7) (77:4) (77:6) (77:8) (139:7)  
**root** (23:22) (23:23) (25:3) (26:6) (26:16) (28:10) (30:10)  
(31:15) (32:3) (34:14) (76:15) (195:19) (195:21) (203:23)  
(210:17) (211:2)  
**rotate** (101:4) (101:6)  
**rotated** (101:7)  
**rotation** (105:22)  
**rough** (204:18)  
**routed** (108:4)  
**rule** (3:2) (222:17) (222:20) (223:2) (223:7)  
**rules** (2:15) (3:3) (6:4)  
**run** (48:11) (95:11) (97:13) (100:3) (122:9) (200:18)  
**rundown** (153:23)  
**running** (94:14) (94:15) (94:16)  
**russell** (13:14) (13:21) (14:17)

**S**

**safe** (51:4) (170:21)  
**saith** (228:2)  
**salary** (91:1) (92:16) (116:10) (117:3) (117:10) (126:20)  
(200:16) (200:17) (201:11) (202:8) (204:3) (213:20)  
**sale** (213:6)  
**salitpa** (71:8)  
**sample** (108:8) (108:15) (108:21) (108:22) (109:4) (109:8)  
(109:12) (109:13) (110:3) (110:18) (110:20) (115:6)  
(122:16) (123:10) (123:12)  
**samples** (108:12) (122:12) (124:10) (124:14) (124:17)  
(125:15) (170:19) (170:20) (171:9) (172:20) (173:10)  
(176:4) (176:7) (178:23) (179:4) (194:23)  
**sampling** (93:23) (94:2) (94:5) (104:18) (104:22) (107:5)  
(108:1) (122:22) (123:2) (123:5) (123:19) (124:21)  
(125:10) (145:4) (149:12) (149:15) (149:22)  
**samplings** (123:16) (123:21) (124:8)

**saraland** (38:3) (39:11) (40:6) (40:12) (41:7) (70:15)  
(73:14) (73:15) (146:8)  
**sat** (180:19) (180:21)  
**satisfied** (143:4)  
**save** (25:11)  
**saw** (115:9) (115:22) (149:8) (149:14) (181:3) (181:5)  
**saying** (118:5) (128:12) (137:13) (160:15) (177:14)  
(180:17) (187:6) (198:4) (203:12) (217:9) (217:14) (225:3)  
**says** (122:2) (184:12) (222:23)  
**scale** (81:11) (81:13) (82:9) (82:12)  
**scattered** (63:17)  
**schedule** (107:20) (135:2)  
**scheduled** (149:18)  
**scheduling** (37:17) (39:5) (41:22) (46:20) (55:11) (55:14)  
(61:12) (67:11) (99:10) (145:16) (149:16) (149:17) (149:22)  
**scheme** (46:5)  
**school** (19:21) (20:1) (20:3) (20:7) (20:17) (37:21)  
**scott** (79:10) (79:21) (85:17) (86:4) (86:5) (102:14)  
(103:2) (103:3) (128:13) (130:12) (130:15) (130:17)  
(133:4) (133:16) (139:17) (139:21) (142:22) (153:18)  
(153:19) (153:20) (156:8) (156:10) (156:11) (156:21)  
(157:5) (157:6) (157:13) (157:14) (159:1) (161:9) (162:8)  
(162:23) (163:3) (163:8) (164:17) (164:18) (165:7)  
(165:11) (166:6) (166:18) (170:8) (170:9) (170:13)  
(173:12) (173:22) (174:16) (174:17) (174:18) (174:21)  
(175:3) (175:4) (175:12) (175:15) (176:12) (176:16)  
(176:22) (177:13) (178:22) (179:3) (179:7) (179:8) (187:3)  
(187:11) (187:19) (188:2) (188:4) (188:6) (188:13) (189:1)  
(189:3) (194:7) (195:9) (196:16) (196:22) (197:12) (198:1)  
(198:6) (198:7) (198:18) (199:13) (220:13) (221:16)  
**scott's** (158:15)  
**scuttlebutt** (112:19)  
**second** (88:17) (88:18) (89:1) (92:9) (206:17) (206:18)  
(206:20)  
**secure** (199:19)  
**security** (7:7) (213:22)  
**seeing** (218:7)  
**seek** (147:12) (199:18)  
**seem** (88:3)  
**seemed** (198:9)  
**segrist** (85:12) (85:15) (135:7)  
**segrist's** (86:8)  
**selah** (1:23) (2:5) (3:4) (6:1) (229:17)  
**selected** (153:14)  
**self** (128:5)  
**send** (77:1) (77:3) (77:20) (84:6) (175:13) (209:21) (215:23)  
**sends** (210:6)  
**sent** (74:4) (85:1) (85:6) (130:6) (195:17) (221:15) (227:14)  
**separate** (41:4) (49:19) (50:19) (57:23) (225:23) (226:9)  
(226:13)  
**separated** (135:12)  
**service** (19:7) (39:16) (46:17) (46:19) (49:19) (49:21)  
(50:3) (69:5) (71:6) (72:23) (84:23) (125:1) (137:1)  
(211:2) (211:5)  
**serviced** (70:23) (73:5)  
**services** (14:1) (16:22) (17:19) (18:6) (18:17) (61:22)  
(61:23) (62:2) (62:6) (62:11) (64:14) (64:19) (65:11)  
(65:16) (65:19) (66:22) (67:19) (67:23) (68:4) (68:5)  
(68:15) (69:6) (69:14) (69:21) (70:1) (70:21) (71:1)  
(134:23) (138:16) (138:21) (145:19) (147:10) (159:21)  
(161:18) (211:19) (213:21)  
**servicing** (123:11)  
**session** (27:12) (27:15)  
**set** (67:16) (156:14) (156:15) (185:2) (185:7)  
**setting** (217:7)  
**settle** (158:5) (158:7)  
**settled** (162:6)  
**settlement** (17:3)  
**seven** (72:1) (73:7) (130:10)  
**seventeen** (92:1)  
**several** (21:10) (137:3) (163:3) (223:14)  
**severe** (215:11) (215:20)  
**sewer** (17:23) (40:13) (41:16) (42:12) (43:9) (44:2) (48:17)  
(49:9) (49:11) (49:12) (49:13) (49:16) (50:9) (51:12)  
(51:16) (53:1) (54:2) (56:6) (57:9) (138:10) (146:2) (147:6)  
**shaking** (139:8) (141:18) (142:2) (142:6) (142:12) (142:13)  
(196:11)

shall

suite

245

**shall** (2:18)  
**share** (192:23)  
**sharing** (190:20)  
**she** (8:13) (8:16) (9:4) (9:11) (9:21) (9:23) (10:7) (10:16)  
(10:18) (10:19) (11:6) (11:8) (15:6) (15:7) (15:8) (15:11)  
(15:14) (15:21) (132:6) (132:7) (132:14) (189:22) (191:6)  
**sheila** (8:10)  
**shelter** (204:17) (205:3) (205:4)  
**she's** (10:1) (15:15) (132:12)  
**shift** (36:2) (36:4) (36:13) (36:18) (38:8) (91:6) (91:8)  
(95:14) (95:15) (95:18) (98:14) (98:17) (100:12)  
**shifts** (100:3) (101:4) (101:6)  
**ship** (210:13)  
**shook** (128:13)  
**short** (74:2) (185:11) (219:21) (226:6)  
**short-term** (200:20)  
**shot** (199:20) (218:13) (218:18)  
**should** (76:6) (76:7) (96:17) (163:6) (163:23) (165:19)  
(167:10) (170:15) (174:23) (178:22) (216:2)  
**show** (76:14) (114:13) (185:1) (222:21)  
**showing** (66:7)  
**shy** (93:14)  
**sick** (134:10) (208:23)  
**side** (41:3) (42:13) (55:12) (55:16) (60:23) (63:10) (63:13)  
(64:17) (67:12)  
**sign** (6:22) (181:20)  
**signature** (2:11)  
**signed** (80:23) (81:2) (212:4)  
**significance** (104:10) (153:21)  
**significant** (38:12) (103:15)  
**similar** (38:9) (48:22) (51:11) (56:3) (58:21) (63:16)  
(66:15) (136:6) (143:21)  
**similarity** (35:19)  
**sit** (45:13) (45:17) (136:17)  
**site** (46:10) (96:17) (113:16) (113:19) (114:7) (114:13)  
(114:15) (115:8) (115:14) (115:15) (115:20) (116:2) (126:5)  
**sitting** (111:12) (132:12) (133:14) (139:16) (140:12)  
**situation** (148:1) (215:6) (216:1)  
**six** (12:5) (39:21) (63:13) (71:23) (73:6) (94:10) (99:18)  
(105:18) (117:22) (130:10)  
**sixteen** (91:19) (91:23)  
**slammed** (175:5) (176:18)  
**small** (71:9) (92:22)  
**smoke** (180:5) (180:8) (180:17) (180:19) (180:20) (181:1)  
**smoking** (179:23) (180:2) (180:3) (181:21) (182:7) (184:9)  
(184:14)  
**social** (7:7) (14:15) (213:22) (216:16) (217:7)  
**software** (141:15)  
**sold** (42:22) (43:1) (43:17) (213:8)  
**solicit** (101:19)  
**somebody** (29:23) (30:1) (36:12) (36:14) (36:21) (37:5)  
(37:8) (46:4) (47:2) (47:14) (55:5) (69:8) (90:20) (95:15)  
(95:17) (112:2) (120:11) (122:8) (122:15) (123:14)  
(123:15) (124:6) (124:9) (125:7) (125:17) (154:23) (161:6)  
(165:21) (175:13) (180:10) (189:7) (198:2) (198:15)  
(217:17)  
**somebody's** (108:8)  
**somewhat** (87:10) (211:3)  
**sometime** (92:6) (127:21) (160:23)  
**sometimes** (99:17) (105:19) (110:1) (218:17)  
**somewhat** (105:17)  
**somewhere** (33:4) (33:6) (34:3) (34:10) (43:20) (75:18)  
(90:6) (124:4) (129:19) (132:23) (201:2)  
**sorry** (58:16) (108:18) (134:4)  
**sort** (47:6) (55:15) (87:21) (126:12) (133:1) (138:2)  
(140:10) (144:4) (151:11)  
**sorts** (145:15)  
**soul** (216:7)  
**sound** (24:9) (93:11)  
**sounds** (131:11)  
**south** (5:14) (21:2) (21:5) (72:4) (72:6) (72:10)  
**southwest** (72:6) (72:7) (72:11) (72:12)  
**speaks** (196:5)  
**specific** (168:22) (193:8)  
**specifically** (25:17) (83:20) (90:21) (116:11) (119:7)  
(136:23) (137:12) (137:20) (163:4) (169:11) (182:17)  
(183:2) (189:16) (190:7) (192:10) (197:3)

**specifics** (34:22) (35:10) (167:23) (189:19) (190:11)  
(190:18)  
**spell** (11:1)  
**spend** (27:23) (31:10)  
**spent** (30:15) (161:21)  
**split** (64:18)  
**spoken** (179:1)  
**spring** (90:15)  
**squire** (168:2) (168:6)  
**squires** (79:14) (95:19) (150:17) (151:4) (167:13) (188:18)  
(189:5)  
**staff** (50:11) (50:12) (122:8) (122:11) (134:22) (149:19)  
(149:23) (192:5)  
**stale** (111:5)  
**stand** (162:18)  
**standard** (94:15)  
**standards** (59:18)  
**standing** (140:11) (149:9)  
**start** (26:14) (90:13) (111:4) (128:15) (206:20)  
**started** (100:5) (128:12) (199:3) (212:3)  
**starting** (89:8)  
**state** (2:6) (6:2) (7:2) (23:16) (41:19) (46:16) (54:4)  
(61:9) (67:2) (74:8) (83:10) (84:22) (92:17) (94:20)  
(98:12) (98:22) (108:10) (108:14) (176:7) (202:18)  
(203:12) (203:14) (203:16) (203:19) (203:22) (212:14)  
(222:20) (229:3)  
**statement** (143:9) (160:11) (174:12) (174:15)  
**statements** (78:21) (81:1) (81:2) (82:14) (82:17) (113:9)  
(165:13) (190:9)  
**states** (1:1) (7:21) (32:18) (210:13) (210:15)  
**stateside** (26:3) (33:1) (34:10)  
**station** (104:19)  
**stay** (16:5) (16:8) (28:17) (32:12) (62:13) (78:13) (130:2)  
(200:3) (200:13) (209:23) (214:22) (214:23) (215:3)  
**stayed** (61:23)  
**steep** (154:13) (198:8) (198:13)  
**stenotype** (229:7)  
**step** (88:14) (103:20) (113:13) (150:5)  
**steps** (184:2)  
**steve** (79:16) (79:21) (95:22) (97:3) (102:3) (180:6)  
(180:18) (180:23) (183:16) (183:18) (183:21) (184:4)  
**sticks** (88:9)  
**stiff** (152:6) (153:12) (153:22) (154:7)  
**still** (8:11) (25:5) (33:3) (49:23) (75:17) (84:15) (105:3)  
(164:23) (165:4) (210:16) (212:13)  
**stipulate** (225:14)  
**stipulated** (2:2) (2:10) (2:17)  
**stipulation** (6:5)  
**stipulations** (6:19)  
**stop** (191:13)  
**stopped** (128:14) (128:18)  
**storage** (123:9) (206:2)  
**store** (151:2) (151:7) (151:8) (151:10) (193:15)  
**stout** (140:10) (141:3)  
**street** (5:7) (5:14) (24:8)  
**structured** (45:4)  
**structures** (46:18)  
**stub** (74:19) (75:2) (75:9) (76:4) (76:15) (201:4)  
**stubs** (75:14) (75:20)  
**students** (98:9)  
**study** (21:8)  
**stuff** (29:18) (47:7) (78:1) (78:5) (205:22)  
**subdivision** (172:14)  
**subject** (88:23) (118:21) (119:12) (203:14)  
**subjected** (215:2)  
**submit** (53:8)  
**submitted** (65:6) (66:12) (98:12) (195:15)  
**submitting** (226:15)  
**subsequent** (163:10) (163:19) (165:15) (165:17)  
**substance** (66:19)  
**successor** (62:3)  
**such** (227:5)  
**sudden** (111:3)  
**sued** (16:10) (16:13)  
**suffered** (215:21)  
**suing** (162:15)  
**suite** (2:8) (5:7) (6:8)

**sulfide** (111:6)  
**superintendent** (40:14) (41:17) (43:10) (44:2) (52:9) (55:8) (57:18) (59:6) (59:16) (60:9) (85:19) (87:15) (102:23) (103:8) (116:17)  
**superior** (174:3) (176:21)  
**superiors** (177:1)  
**supervise** (37:1) (37:5) (38:18) (51:16) (52:8) (59:11) (60:16) (63:2) (63:11) (97:23)  
**supervised** (36:2) (36:7) (51:21) (52:11) (192:7)  
**supervisor** (32:7) (32:8) (32:9) (97:20)  
**supervisors** (32:10)  
**supervisory** (35:23) (40:17) (44:1) (106:20) (190:5) (190:10) (190:13) (190:17)  
**support** (199:14)  
**suppose** (133:20)  
**supposed** (128:13) (128:21) (173:9) (173:10) (179:23) (180:17)  
**sure** (6:20) (7:15) (18:15) (19:12) (24:4) (31:6) (38:17) (44:21) (47:17) (52:4) (66:17) (73:19) (74:6) (79:6) (81:20) (90:12) (93:22) (97:15) (113:7) (138:18) (143:3) (149:18) (154:5) (163:15) (167:16) (167:19) (168:17) (169:10) (169:13) (169:15) (179:3) (179:7) (179:15) (180:12) (183:3) (184:10) (185:9) (190:6) (190:23) (193:4) (197:13) (197:14) (206:1) (207:14) (208:20) (214:1) (216:19)  
**surface** (50:18) (50:23) (51:1) (60:1) (60:3) (64:8)  
**surgery** (56:22) (127:5) (127:10) (128:17) (129:17) (129:21) (130:5)  
**suspect** (214:14)  
**suspended** (7:18)  
**sworn** (6:15)  
**sympathetic** (191:9)  
**system** (19:8) (35:12) (35:20) (36:1) (37:12) (39:12) (39:13) (39:14) (40:2) (50:14) (50:15) (50:18) (50:19) (50:23) (51:1) (51:6) (53:11) (54:6) (54:13) (56:10) (104:18) (108:11) (118:12) (119:2) (119:23) (121:19) (122:9) (144:20) (145:16) (146:14) (149:2) (159:15) (159:16) (166:11) (171:20) (172:3) (173:4) (173:5) (175:1) (212:14)  
**systems** (144:3) (146:17)

**T**

**table** (133:15) (139:17)  
**taken** (2:5) (3:7) (33:8) (33:10) (33:11) (61:21) (124:14) (125:15) (229:6)  
**takes** (118:11)  
**taking** (2:15) (48:3) (69:3) (126:12)  
**talk** (129:4) (129:6) (135:10) (135:13) (142:22) (151:22) (156:9) (156:10) (156:11) (159:19) (163:2) (163:4) (164:13) (164:15) (164:22) (165:8) (173:11) (173:12) (173:21) (174:16) (175:12) (175:15) (179:8) (181:9) (181:13) (184:8) (184:19) (226:3)  
**talked** (70:10) (111:23) (124:22) (129:8) (135:7) (135:11) (148:15) (156:12) (158:18) (158:20) (164:19) (166:18) (170:23) (174:20) (178:14) (189:14) (189:15) (192:16) (224:1)  
**talking** (88:4) (137:9) (137:17) (163:11) (172:10) (194:4) (199:4)  
**tall** (140:12)  
**tallapoosa** (13:17) (13:22) (14:17)  
**tank** (97:11)  
**tanks** (97:15) (123:9)  
**tape** (79:7) (79:8) (79:17) (79:19) (79:23) (80:6) (80:10) (80:12)  
**taped** (78:22) (79:5) (80:19) (80:21) (82:18) (157:2)  
**tape-recorded** (80:2)  
**tapes** (79:1) (79:2)  
**taste** (109:22) (110:4) (110:21) (111:1)  
**tax** (74:7) (76:18) (202:20) (203:2) (203:3) (203:4) (203:6) (203:12) (203:14) (203:16) (203:19) (203:21)  
**taxes** (74:9) (202:16) (205:15) (206:5)  
**tax-free** (203:10)  
**team** (174:9) (174:13)  
**telephone** (30:4) (108:3) (127:8) (127:16) (156:1) (156:4) (156:12)  
**telling** (82:8) (153:19) (164:21) (172:22) (190:16) (191:2) (191:5) (193:11) (193:13) (193:21) (225:19) (225:21)

**tells** (196:17)  
**temporary** (214:8)  
**ten** (89:9) (89:13) (89:15) (89:20) (92:11)  
**ten-dollars-an-hour** (92:16)  
**terminable** (44:11)  
**terminated** (222:9) (222:10) (222:22) (223:7) (223:22) (224:11) (224:16) (225:22) (226:4)  
**terminating** (69:23)  
**termination** (225:12) (227:10)  
**terminations** (55:19) (61:16)  
**terms** (52:6) (52:12) (64:5) (64:22) (68:14) (85:7) (94:7) (107:10) (119:7) (127:1) (144:23) (150:7) (153:8)  
**terry** (102:7) (181:15) (181:19)  
**test** (22:2) (102:8)  
**testified** (6:16) (117:1) (166:17)  
**testifying** (215:5)  
**testimony** (1:16) (3:7) (141:9)  
**testing** (94:3)  
**texas** (24:2) (24:9)  
**themselves** (104:16) (162:18)  
**therapist** (215:16)  
**thereto** (3:1) (229:7)  
**thinking** (90:15)  
**third** (173:17)  
**thirty** (39:17)  
**thirty-five** (90:6)  
**thompson** (131:9) (140:2) (141:10)  
**though** (33:23) (47:15) (55:1) (176:9) (179:23) (200:9)  
**thought** (88:6) (143:20) (144:9) (145:7) (145:11) (149:20) (151:7) (151:9) (157:4) (157:15) (157:17) (157:20) (162:9) (162:17) (175:11) (176:3) (193:14)  
**thousand** (72:1) (73:2) (73:7) (73:18)  
**thousands** (159:6)  
**three** (12:13) (18:14) (37:9) (44:6) (63:5) (96:3) (96:5) (100:22) (102:13) (103:21) (129:18) (163:15) (163:16) (164:19) (165:6) (203:16) (213:12) (218:17) (222:21) (223:3) (223:12) (223:15)  
**three-and-a-half** (11:17)  
**three-member** (52:17)  
**three-year** (160:6) (206:13)  
**throughout** (142:9)  
**tichenor** (2:7) (6:8)  
**ticket** (27:8) (27:9)  
**ties** (220:18)  
**time-and-a-half** (201:20) (202:13)  
**times** (31:12) (32:17) (33:16) (109:16) (117:20) (164:19) (179:1) (180:9) (218:17)  
**title** (86:8) (87:13)  
**today** (75:21) (136:17) (192:12) (222:5)  
**tony** (15:2) (85:12) (85:15) (85:17) (86:8) (86:13) (87:5) (87:16) (88:21) (92:10) (102:12) (102:19) (102:21) (110:8) (112:8) (112:22) (113:6) (117:12) (118:3) (118:16) (118:20) (119:7) (120:1) (121:11) (122:19) (124:3) (124:9) (124:15) (124:17) (125:9) (125:17) (126:11) (135:7) (135:11) (148:16) (148:18) (149:5) (205:8)  
**tony's** (110:9) (120:17) (121:15)  
**took** (27:20) (27:22) (33:6) (34:7) (35:7) (62:1) (84:10) (105:12) (105:23) (118:14) (124:17) (125:15) (125:17) (156:4) (200:6) (212:16) (213:2) (213:17) (214:16)  
**top** (219:5)  
**total** (39:22) (61:2) (64:23)  
**tough** (191:4) (191:6)  
**tourists** (98:8)  
**toward** (160:19)  
**towards** (116:6) (213:22)  
**town** (42:6) (170:18) (172:5)  
**trainee** (36:9)  
**training** (36:14) (36:15)  
**transcribed** (229:8)  
**transcript** (3:6) (208:14) (221:7) (229:10)  
**transcription** (229:9)  
**transportation** (175:8) (175:10) (175:17)  
**travel** (78:18) (105:4) (204:7)  
**treat** (210:1)  
**treating** (31:12)  
**treatment** (21:15) (21:16) (23:2) (31:21) (51:2) (62:22) (63:15) (63:22) (63:23) (64:2) (64:4) (64:6) (64:7) (176:2)

trial

web

247

(210:1) (223:14)  
**trial** (2:23)  
**trivial** (158:2) (158:21)  
**trouble** (45:7)  
**truck** (175:8) (180:23)  
**true** (30:12) (68:11) (126:16) (126:17) (126:18) (152:23)  
(154:22) (214:11) (215:18) (223:11) (224:3) (224:13)  
(224:15) (225:1) (226:17) (226:18) (229:10)  
**tune** (115:13)  
**turn** (97:11) (184:23)  
**turned** (172:15)  
**turning** (172:16)  
**twelve** (201:1) (201:15) (201:16) (202:5) (202:7) (202:9)  
**twenty** (161:20) (202:12) (207:14)  
**twice** (164:2)  
**two** (27:16) (33:11) (42:11) (48:9) (51:19) (51:20) (52:6)  
(55:11) (59:23) (65:3) (74:9) (99:18) (101:2) (131:1)  
(131:13) (141:8) (157:22) (159:6) (163:16) (164:19)  
(165:6) (178:23) (204:21) (205:10) (205:19) (218:17)  
(223:20)  
**two-year** (20:7)  
**types** (138:5)

**U**

**unable** (56:23)  
**unattainable** (25:22)  
**unaware** (122:21)  
**under** (56:1) (68:2) (180:19) (180:21) (196:14) (200:7)  
(210:18)  
**underneath** (181:2)  
**understand** (33:23) (118:15) (119:6) (143:18) (148:16)  
(154:6) (154:8) (224:1) (224:12)  
**understanding** (69:4) (69:19) (82:21) (101:15) (101:21)  
(120:1) (123:22) (134:18) (135:4) (135:5) (148:22) (149:5)  
(166:16) (186:7) (189:4) (195:14) (215:12) (224:16)  
(224:22)  
**understood** (124:2) (126:16) (145:2) (151:1)  
**unemployed** (30:8) (57:8)  
**unemployment** (18:2) (18:12) (57:12) (70:7) (83:12)  
**unhappy** (143:5) (179:17) (179:19) (179:21)  
**union** (47:11) (47:12)  
**united** (1:1)  
**university** (21:2)  
**unless** (112:1)  
**unofficially** (150:11)  
**unqualified** (186:19)  
**until** (8:19) (25:8) (75:20) (93:8) (105:19) (161:3) (179:7)  
(179:11)  
**uplift** (201:6) (201:9) (201:23)  
**upon** (200:1) (229:11)  
**upset** (170:17) (171:21) (172:3) (172:8)  
**use** (31:19) (53:16) (94:15) (111:2) (136:14) (145:18)  
(145:22) (146:1) (146:4) (146:7) (146:10) (146:13) (210:19)  
**using** (111:4) (182:19)  
**usual** (6:18)  
**usually** (75:1) (78:18)  
**utilities** (40:10) (64:21) (70:17) (146:5) (146:19)  
**utility** (42:15) (43:4) (44:3) (45:3) (45:20) (46:13)  
(159:4) (159:5)

**V**

**vacancies** (113:17)  
**vacancy** (112:5) (114:5)  
**vacation** (27:21) (28:8) (29:21) (184:21) (185:6)  
**valid** (7:10)  
**valley** (11:13) (11:23) (15:10) (16:6) (112:12)  
**varied** (100:15) (162:2)  
**various** (99:20) (192:14) (212:7)  
**vary** (100:13)  
**verbalize** (128:9)  
**very** (58:6) (127:10) (154:21) (187:4) (191:4) (196:13)  
(200:21) (207:4) (209:21)  
**veteran** (197:5) (197:6) (197:7)  
**veteran's** (196:15) (196:22) (197:8) (197:9)  
**vigor** (20:1)  
**visit** (77:16) (109:11) (117:20) (172:13)  
**visits** (163:3)

**voice** (79:22)  
**voluntarily** (34:6) (57:3) (57:4) (200:4)  
**volunteer** (35:1) (50:12) (54:20)

---

**W**

**w-2** (74:11) (76:16)  
**w-2s** (74:12)  
**wages** (89:20) (90:2) (214:5)  
**wait** (191:11)  
**waited** (103:21) (151:20)  
**waived** (2:12)  
**walk** (56:23)  
**wall** (104:15)  
**wanted** (47:14) (115:16) (115:18) (116:20) (156:9) (156:13)  
(157:18) (160:12) (161:5) (170:19) (198:2) (199:10)  
**wants** (98:22)  
**washed** (97:15)  
**wasn't** (47:12) (88:18) (106:12) (128:4) (128:13) (137:19)  
(139:21) (140:11) (153:6) (166:13) (170:18) (174:18)  
(175:16) (175:23) (176:1) (178:3) (194:2) (197:6) (199:7)  
(218:4) (222:11)  
**waste** (20:13) (21:15) (22:11) (22:23) (23:2) (30:6) (30:13)  
(31:2) (31:8) (31:12) (31:21) (32:3) (40:15) (40:16)  
(41:13) (42:12) (44:6) (45:21) (49:6) (49:7) (54:6) (54:7)  
(54:8) (54:11) (62:22) (63:13) (65:12) (65:22) (66:8)  
(67:12) (96:8) (119:20) (120:2) (120:5) (120:6) (121:5)  
**watch** (113:16)  
**watching** (149:9)  
**water** (17:23) (18:18) (19:3) (19:6) (19:7) (20:13) (21:14)  
(21:15) (22:12) (22:22) (22:23) (23:1) (23:2) (26:12)  
(30:6) (30:9) (30:13) (31:2) (31:9) (31:11) (31:13) (31:18)  
(31:21) (31:23) (32:3) (32:5) (35:12) (35:20) (35:21)  
(36:1) (37:12) (39:13) (39:14) (39:16) (39:17) (40:15)  
(40:16) (41:3) (41:4) (41:13) (42:12) (43:9) (44:2) (44:6)  
(44:7) (44:22) (45:21) (48:16) (48:22) (49:6) (49:8) (49:9)  
(49:16) (49:17) (50:9) (50:10) (50:15) (50:16) (50:18)  
(50:22) (50:23) (51:1) (51:3) (51:5) (51:8) (51:9) (51:11)  
(51:12) (51:16) (51:19) (52:6) (52:12) (52:23) (53:4)  
(54:2) (54:6) (54:7) (54:9) (54:11) (54:13) (54:14) (55:5)  
(55:7) (55:11) (56:1) (57:9) (57:23) (58:2) (58:4) (58:6)  
(58:11) (58:14) (58:16) (58:21) (59:2) (59:18) (59:19)  
(59:21) (60:2) (60:3) (60:9) (60:20) (60:21) (61:3) (62:3)  
(62:14) (62:22) (63:10) (63:13) (63:14) (63:15) (63:19)  
(63:20) (63:23) (64:4) (64:5) (64:6) (64:8) (64:9) (64:17)  
(65:12) (65:22) (66:7) (66:8) (66:14) (66:16) (67:11)  
(67:12) (70:19) (72:18) (77:17) (79:1) (79:3) (80:15)  
(81:3) (81:14) (81:19) (82:22) (82:23) (83:2) (83:9)  
(83:18) (83:22) (84:2) (84:14) (84:19) (85:8) (85:14)  
(86:2) (86:4) (86:10) (87:2) (87:16) (88:11) (91:9) (91:11)  
(93:5) (93:19) (93:20) (93:23) (94:8) (94:11) (94:19)  
(95:2) (95:6) (96:9) (96:10) (96:14) (97:7) (98:6) (99:16)  
(99:20) (100:8) (100:11) (101:20) (101:23) (102:14)  
(103:10) (104:11) (104:19) (105:3) (106:3) (107:6) (107:7)  
(108:9) (108:21) (108:22) (109:4) (109:8) (109:12)  
(109:13) (109:23) (111:2) (111:4) (111:5) (111:6) (111:7)  
(111:8) (112:3) (112:5) (112:12) (113:2) (113:9) (113:18)  
(114:4) (114:5) (114:11) (114:16) (114:17) (114:20)  
(114:22) (115:4) (115:19) (116:21) (117:17) (118:5)  
(118:6) (118:11) (118:15) (118:17) (118:21) (119:2)  
(119:13) (119:15) (119:21) (119:23) (120:2) (120:5)  
(120:6) (120:19) (121:1) (121:5) (121:15) (121:19) (122:2)  
(122:5) (122:23) (123:9) (123:20) (124:3) (124:7) (124:20)  
(134:19) (137:6) (138:9) (138:16) (139:2) (143:23) (144:8)  
(144:14) (144:17) (145:6) (145:16) (145:21) (146:2)  
(146:14) (147:6) (147:13) (147:19) (147:20) (147:23)  
(148:4) (148:7) (149:3) (151:2) (156:18) (158:13) (161:23)  
(165:1) (165:3) (165:5) (168:14) (169:3) (169:7) (170:17)  
(170:21) (171:22) (172:9) (172:16) (172:17) (174:6)  
(176:2) (176:11) (176:12) (187:4) (187:7) (193:22)  
(200:12) (212:8) (212:13) (221:19) (223:14) (227:9)  
**water-related** (35:22)  
**waters** (21:19)  
**weak** (136:3) (136:10)  
**weakest** (136:9)  
**wear** (140:14)  
**web** (113:15) (113:18) (114:6) (114:13) (114:15) (115:8)  
(115:14) (115:15) (115:19) (116:2) (126:4)

week

yourself

248

**week** (27:22) (27:23) (28:3) (28:14) (105:10) (112:16)  
 (201:18) (201:19) (204:10) (204:11) (204:12) (218:17)  
**weekly** (76:1)  
**weeks** (27:20) (103:22) (129:19)  
**welfare** (144:6)  
**we'll** (111:7)  
**well-discussed** (167:22)  
**wells** (50:20) (63:17)  
**were the** (120:8)  
**west** (72:5) (72:6)  
**we've** (70:9) (111:23) (194:12) (219:14) (219:15) (224:1)  
**whatever** (64:21) (65:21) (97:18) (112:11) (118:7) (119:4)  
 (122:13) (124:8) (215:17)  
**whenever** (99:23)  
**whereas** (32:2) (124:3)  
**whereupon** (6:11) (208:11) (221:4)  
**wherever** (75:3) (75:11) (75:12) (77:1) (77:3) (77:20)  
 (78:11) (109:1) (125:9)  
**whether** (50:2) (50:3) (100:13) (103:1) (115:2) (119:11)  
 (132:16) (137:5) (149:11) (159:14) (209:19) (209:23)  
 (223:5) (223:22) (224:11) (225:21)  
**whichever** (225:12)  
**white** (139:19) (139:20) (141:9)  
**whoever** (98:12) (102:22)  
**whole** (53:4) (65:20) (68:6) (73:15) (158:22) (216:6) (216:7)  
**who's** (50:6) (122:4) (183:14) (207:18) (211:12) (211:15)  
**whose** (105:22) (173:3)  
**wide** (193:9)  
**willing** (158:4) (158:6)  
**wind** (34:23)  
**winston** (5:4) (5:5) (224:14) (225:1) (225:6) (226:2) (226:8)  
**winter** (90:15)  
**wireless** (182:18) (182:19)  
**wished** (158:16) (161:12)  
**with the** (190:20)  
**without** (78:22) (82:18) (147:15) (178:8) (193:7) (223:16)  
**witness** (2:12) (6:10) (80:6) (229:11)  
**won't** (210:1)  
**word** (76:20) (151:12)  
**words** (152:11)  
**wore** (140:16)  
**work** (17:11) (25:14) (25:17) (25:20) (26:15) (26:19) (33:5)  
 (34:17) (36:14) (36:18) (40:6) (41:22) (42:3) (42:19)  
 (62:10) (68:3) (94:19) (94:23) (101:5) (105:7) (105:16)  
 (105:20) (106:11) (107:20) (122:8) (122:12) (122:17)  
 (122:18) (127:10) (127:18) (128:17) (134:22) (135:2)  
 (135:20) (138:3) (138:17) (143:11) (145:17) (148:14)  
 (150:11) (151:21) (161:2) (162:5) (163:22) (166:14)  
 (167:4) (168:10) (172:4) (176:2) (177:18) (177:23)  
 (183:19) (190:12) (194:4) (196:13) (201:18) (204:9)  
 (204:12) (209:20) (210:10) (222:21) (223:17)  
**worked** (17:18) (18:23) (20:18) (24:16) (35:9) (37:5) (37:7)  
 (38:4) (39:14) (41:6) (43:15) (51:8) (57:6) (68:12) (95:1)  
 (117:16) (117:21) (124:2) (124:3) (124:9) (125:8) (131:21)  
 (138:4) (138:6) (138:9) (146:17) (147:3) (151:7) (151:8)  
 (151:10) (161:18) (163:1) (167:20) (169:3) (169:7) (177:8)  
 (192:13) (193:6) (193:9) (193:15) (193:17) (216:23)  
 (227:16)  
**worker's** (17:9) (17:12) (17:22)  
**working** (17:15) (17:21) (26:14) (26:22) (27:12) (87:10)  
 (90:13) (93:22) (95:8) (95:10) (97:3) (105:10) (106:12)  
 (114:4) (117:17) (137:6) (138:20) (151:1) (156:19) (158:3)  
 (165:14) (167:1) (179:22) (182:7) (182:21) (195:18)  
 (203:22) (205:1)  
**workman's** (17:10)  
**works** (131:3) (131:16) (211:20)  
**world** (199:20) (216:1)  
**worry** (6:22) (47:5)  
**wouldn't** (31:4) (47:15) (109:3) (119:20) (119:22) (120:13)  
 (174:2) (175:9) (176:16) (177:9) (214:12)  
**wound** (161:10)  
**wreck** (17:1)  
**write** (227:3)  
**write-ups** (143:14)  
**written** (22:6) (22:8) (22:16) (22:17) (22:19) (25:8)  
 (80:23) (82:18) (84:6) (84:9) (206:10)  
**wrong** (38:3)

**wronged** (16:17)  
**wrote** (220:3) (220:9) (222:2) (222:9) (223:8)  
**X**  
**y'all** (8:18) (15:18) (47:5) (54:10) (66:5) (68:6) (68:9)  
 (70:23) (72:23) (73:22) (125:19) (156:15) (158:18) (163:2)  
 (165:8) (178:18) (185:8) (208:18) (219:17) (226:15)  
**y'all's** (152:2) (184:3)  
**year** (12:17) (45:1) (45:15) (53:15) (70:4) (99:18) (108:16)  
 (197:14) (203:22) (204:8) (206:1) (206:14) (206:18)  
 (206:20) (206:22)  
**years** (8:18) (11:17) (12:5) (12:13) (21:5) (22:4) (35:14)  
 (38:15) (40:5) (74:9) (94:10) (117:22) (138:4) (213:12)  
**yesterday** (74:7)  
**yet** (203:19)  
**younger** (131:13) (133:14) (139:16) (140:21) (152:5)  
 (152:9) (152:19) (153:12) (153:15) (155:3) (155:12)  
 (165:14) (166:19) (167:1) (169:8) (186:3) (186:18)  
 (187:12) (214:20)  
**yours** (31:23) (80:14)  
**yourself** (16:13) (36:19) (100:19) (122:12) (209:9)

# EXHIBIT 3

RESUME' of  
Norman E. Lacey  
5508 16th Avenue  
Valley, AL 36854  
(706) 518-4809

- Qualifications: Thirty -three years responsible experience in the water and wastewater industry.
- Experience in management, budgeting, accounting and operation water and wastewater facilities for both publicly and privately owned companies.
- Associate degree in water and wastewater management.
- Certified by the Alabama Department of Environmental Management as a Grade 4 water plant operator.
- Certified by the Alabama Department of Environmental Management as a Grade 4 wastewater plant operator.
- Certified by the Alabama Plumbers and Gas Fitters Examining Board as a master plumber and gas fitter.
- Completed course in electrical motor controls and instrumentation.
- Completed course in cross connection control and testing of backflow prevention devices.
- Completed course in personal computer and have had 15 years experience with personal computers, local area networks, and a wide variety of software.
- Certified by the State of Alabama as a firefighter and first responder.
- Experience: August, 1999 to Present --Shift operator at the City of Auburn Surface Water Treatment Plant. Recently promoted to chief operator.
- February, 1995 to February, 1999 -- Project manager for Professional Services Group, Inc. in Demopolis , Alabama. Professional Services Group operates the entire water and wastewater system for the Water Works and Sewer Board of Demopolis under a contractual agreement. Services provided include water production and distribution, meter reading, billing, collecting, accounting, wastewater collection system, and wastewater treatment. As project manager, I am responsible for insuring the services provided meet, or exceed contract specifications.
- January 1992 to January 1995 -- Plant manager of the Jackson, Alabama treatment plant. My responsibilities at this position included scheduling shifts workers and assigning duties to shift workers. I made decisions as to the water source or sources to be used in the process. (Jackson has a large spring as well as the Tombigbee River available to provide water for the area.) Chemical selection, preventative and corrective maintenance, budgeting, accounting, and reporting to state and federal agencies were also part of my duties. Operating the plant when a shift operator was unavailable was also part of my routine duties. When I began my employment at this facility, it was as an employee of the City of Jackson. On May 1, 1994, the operation of the water and wastewater system was contracted to Professional Services Group, Inc. and I continued my employment at the facility until I was promoted to the Demopolis project.
- May 1984 to December 1991 -- I was employed as general manager of Mobile County Water, Sewer and Fire Protection Authority . I was responsible for insuring the entire

operation of the Authority under the policies of the board of directors. This included such office duties as insuring customer relations, customer billing, accounting, maintenance of a personal computer network, and administering contracts. I also reported to the board, to state and federal agencies, to bond holders and to various other concerned agencies as required. Outside of the office, I was required to supervise field operations. In addition, I designed, constructed and maintained the electrical and instrumentation systems.

January 1979 to May 1984 -- I was employed as superintendent of Lake Forest Utilities (now owned by the City of Daphne, Alabama). My responsibilities included the following: organizing, planning, budgeting, managing, and policy making for the water and wastewater privately owned utility company. Also included were establishing office filing reports to appropriate local, state and federal agencies, planning and managing a water resource development program, supervision of office personnel, reviewing engineering plans.

June 1976 to January 1979 -- I was employed as sewer superintendent for the city of Saraland, Alabama. My responsibilities included operating and maintaining the wastewater treatment plant, sewer lift stations and sewer mains, inspecting renovation of the treatment plant, developing procedures and policies for the sewer department, designing, constructing and installing electrical control panels, budgeting and planning for the department, supervising field personnel, participating in the 208 Study for Mobile County, record keeping and reporting to state and federal agencies, and advising

May 1971 to June 1976 -- I was employed was employed as a plant operator for the Mobile Water Service System. My responsibilities included shift operator and shift supervisor at both water and wastewater treatment plants, operating, and maintaining facilities, sampling, record keeping, and supervising shift personnel.

Education: Associate degree in water and wastewater management from Faulkner State Junior College in Bay Minette, Alabama.

Attended the University of South Alabama and studied civil engineering with emphasis in environmental engineering.

Military: May 1968 to November 1970 -- Completed U.S. Army training at Infantry Officer's Candidate School. Attended United States Military Academy. Rank at discharge was First Lieutenant and my military occupational specialty was infantry unit commander.

## Wastewater Operator Certificate

# Water and Wastewater Certification

*Be it known that*

*Norman E Lacey*

*having submitted satisfactory evidence of knowledge, experience, and qualifications to the Operator Certification Program of the Alabama Department of Environmental Management is hereby granted this grade IV certificate of competency to be effective this 30th day of September 1996*



ADEM - WATER DIVISION

Certificate # 7710 Operator No. 418662239 Expiration Date 09/30/1999

Lacey v. City of Auburn  
0181

Water Operator Certificate

Water and Wastewater Certification

*Be it known that*

*Norman E Lacey*

*having submitted satisfactory evidence of knowledge, experience, and qualifications to the Operator Certification Program of the Alabama Department of Environmental Management is hereby granted this grade IV certificate of competency to be effective this 30th day of September 1996*

*Norman E Lacey*

ADEM - WATER DIVISION

Certificate Ren. 10677 Operator No. 418662239 Expiration Date 09/30/1999

# EXHIBIT 4

**CITY OF AUBURN**  
**EMPLOYMENT APPLICATION**



City of Auburn

PRINT IN INK OR TYPE. COMPLETE CAREFULLY & IN FULL

LAST	FIRST	MIDDLE	SOCIAL SECURITY #	DAYTIME PHONE	TYPE OF EMPLOYMENT DESIRED (Mark Check Marks That Apply)
NAME PRESENT ADDRESS	LACEY, NORMAN	EUGENE	418-66-2239	(334) 289-0892	<input type="checkbox"/> Regular <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Part-Time (less than 40 hours per week)
STREET	204 N. COMMIS SIONCE ST.	CITY	DEMOPOLIS, AL	ZIP CODE	
OTHER NAMES PREVIOUSLY USED UNDER WHICH RECORDS MAY BE LOCATED	WATER PLANT OPERATOR				

EDUCATION	NAME OF SCHOOL	CIRCLE YEAR COMPLETED	MAJOR	GRADUATE YES/NO	DEGREE OBTAINED
HIGH SCHOOL	C. F. VICTOR HIGH, PEACHARD, AL	8 9 10 11 <input checked="" type="checkbox"/> GED		<input checked="" type="checkbox"/> Yes	HIGH SCHOOL
COLLEGE	FAULKNER JUNIOR COLLEGE	FA <input checked="" type="checkbox"/> JR SR	ENVIRN. MAMNT.	<input checked="" type="checkbox"/> Yes	ASSOCIATE DEGREE
GRAD OR VOC SCHOOL					

EMPLOYMENT HISTORY START WITH MOST RECENT YOU MAY ATTACH AN ADDITIONAL SHEET OR RESUME IF YOU PREFER HOWEVER, IT WILL NOT SUBSTITUTE FOR COMPLETION OF THIS SECTION

EMPLOYMENT DATES FROM (MONTH) TO (MONTH)	HOURS PER WEEK	NAME OF ORGANIZATION AND PHONE NUMBER	ORGANIZATION ADDRESS	POSITION HELD	IMMEDIATE SUPERVISOR	SALARY	REASON FOR LEAVING
2/95	2/99	40+	PROFESSIONAL SERVICES GROUP Phone (334) 289-1344	2101 WATER AVE BIRMINGHAM, AL 36732	PROJECT MANAGER	\$45,000/yr	LIVED THERE BECAUSE DEPARTMENT OR SELECT CO-SUPERVISOR REMOVED
1/92	2/95	40+	CITY OF JACKSON ALABAMA Phone (334) 246-2900	JACKSON, MS	COMMERCE ST MANAGER	DOWNSIZING	REMOVED
5/84	12/91	40+	MCALLEN COUNTY WATER DEPT. Phone (334) 653-5040	MCALLEN, TX	MANAGER		REMOVED
1/96	5/84	40+	LAKE ROBERT UTILITIES Phone (334) 289-0892	DAIRONE, ALA	SUPERVISOR		REMOVED

MAY WE CONTACT THE EMPLOYERS LISTED ABOVE?  YES  NO IF NOT, PLEASE INDICATE WHICH ONE(S) YOU DO NOT WANT US TO CONTACT.

BRIEFLY DESCRIBE MAJOR DUTIES OF POSITIONS PREVIOUSLY HELD AND FURTHER DETAILS OR QUALIFICATIONS

I have worked at the water plant for 10 years. I am responsible for the day-to-day operation of the plant. I am responsible for maintaining and repairing equipment, monitoring water quality, and ensuring compliance with regulations. I also coordinate with other departments to ensure smooth operations.

Other information and skills

LICENSES AND CERTIFICATIONS

GENERAL WATER OPERATOR, GRADE 4 WASTEWATER OPER.

METER PLUMBER

DRIVERS LICENSE NUMBER AND STATE

2537095 - ALABAMA

SHOP & OUTDOOR EQUIPMENT USED

ROCK LICKER, BACKHOE, TRUCK, ETC.

OTHER EQUIPMENT SKILLS OR ABILITIES

Lacey v. City of Auburn  
0178

The City of Auburn is an Equal Opportunity Employer. It is our policy to provide equal employment opportunities for all individuals without regard to race, sex, age, religion, color, national origin, disability, or veteran status.

# EXHIBIT 5



City of Auburn

HOME OF AUBURN UNIVERSITY

Date: September 3, 1999  
To: Norman Lacey, Water Board  
From: Sonia Sons, Personnel Specialist  
RE: New Employee Orientation Session

I hope you're enjoying your new position as a Regular employee with the City of Auburn. In an effort to help acquaint you with the benefits of being a City employee and also to explain some of the rules and procedures of the organization, you have been scheduled to attend the New Employee Orientation Session. The orientation will be held on Thursday, **September 30, 1999 at 2:00 p.m. in the Library Conference Room.** Please make the necessary arrangements with your supervisor. Attendance is mandatory for all regular employees.

If you find you will not be able to attend this session, please contact me at extension 2965, no later than September 27<sup>th</sup>. However, it has been several months since the last orientation session was held, due to the filming of a new orientation video. Employees who have been with us for some time are strongly encouraged to work this session into their schedules. If you have any questions about the orientation, feel free to give me a call. I look forward to seeing you on the 30<sup>th</sup>!

cc: Department Head  
Human Resource Management Director  
Personnel File

Lacey v. City of Auburn  
0198



HOME OF AUBURN UNIVERSITY

August 12, 1999

Norman Lacey  
2204 Rocky Brook Road  
Opelika, AL 36801

Dear Norman:

Welcome Aboard! We're glad to have you working with the City. I and my staff, Pam Hubbard, Payroll Officer; Sonia Sons, Personnel Specialist; Donna Milam, Administrative Secretary; and D'Arcy Wernette, Risk Manager will be glad to assist you in anyway we can. If you have any questions, please don't hesitate to ask. We look forward to working with you.

Sincerely,



Steven A. Reeves, Director  
Human Resource Management

The handwritten signature of Steven A. Reeves is written in cursive ink. It appears to read "Steve" above "Reeves".

SAR/ss

Lacey v. City of Auburn  
0200

# EXHIBIT 6

**KLAIS & COMPANY, INC.**  
EMPLOYEE BENEFIT CONSULTANTS, ACTUARIES AND ADMINISTRATORS

**ENROLLMENT FORM****EMPLOYER INFORMATION**

Group Number <b>724</b>	Name of Employer <b>City Of Auburn</b>	Location Code <b>998</b>	PPO Selected (if applicable)
Date Employed <b>8-2-99</b>	Current Effective Date <b>12-1-99</b>	Original Effective Date Under Prior Plan	No. of Hours Worked Per Week <b>40</b>
		Annual Earnings <b>22,090</b>	
Check One: <input checked="" type="checkbox"/> New Hire      Date <b>8-2-99</b> <input type="checkbox"/> Part-Time to Full-Time      Date <input type="checkbox"/> Return From Leave Of Absence      Date			
<input type="checkbox"/> Retire      Date <input type="checkbox"/> Return From Layoff      Date <input type="checkbox"/> Involuntary Loss Of Other Coverage      Date			
Comments:			

**EMPLOYEE INFORMATION**

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 REQUIRES YOU TO FURNISH CERTAIN INFORMATION TO YOUR EMPLOYER. IF YOU WERE PREVIOUSLY COVERAGE DENIED OR EXCLUDED FROM COVERAGE DUE TO A PRE-EXISTING CONDITION, YOU MAY BE ELIGIBLE FOR COVERAGE UNDER THIS PLAN. IF YOU ARE ELIGIBLE, YOU WILL RECEIVE A CERTIFICATE ATTACHED.

Last Name <b>Lacey</b>	First Name <b>Norman</b>	Initial <b>E.</b>	Date of Birth <b>Mo 8 Day 10 Year 48</b>	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
Number <b>2304 Rocky Brook</b>	Street	Social Security Number <b>418-66-0892</b>		
City <b>Opelika</b>	State <b>AL</b>	Zip Code <b>36801</b>	Phone Number <b>334-741-7796</b>	
<input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed				

IF APPLICABLE TO YOUR EMPLOYER'S BENEFIT PLAN, INDICATE THE BENEFIT(S) YOU ARE APPLYING FOR OR WAIVING.				
I ELECT		I "DO NOT" ELECT		
MEDICAL	<input type="checkbox"/>	Single	<input type="checkbox"/>	Family
DENTAL	<input type="checkbox"/>		<input type="checkbox"/>	
DRUG	<input type="checkbox"/>		<input type="checkbox"/>	
VISION	<input type="checkbox"/>		<input type="checkbox"/>	
WEEKLY DISABILITY	<input type="checkbox"/>		<input type="checkbox"/>	
I HEREBY WAIVE ALL COVERAGE				
<input type="checkbox"/> If you are waiving coverage because you are covered by another health plan, please complete the OTHER HEALTH COVERAGE INFORMATION section below.				

IF APPLYING FOR FAMILY COVERAGE, LIST BELOW SPOUSE AND ALL UNMARRIED DEPENDENT CHILDREN TO BE COVERED. DOCUMENTS VERIFYING DEPENDENT'S ELIGIBILITY WILL BE REQUIRED.				
TO BE COMPLETED BY EMPLOYER				
NAME	SEX	DATE OF BIRTH	RELATIONSHIP	Social Security Number
First Initial Last (if different from employee)	M / F	Mo Day Yr.		Covered Under Prior Plan (Y/N)
<del>Sheila H.</del>	<del>F</del>	<del>12 5 51</del>	<del>Spouse</del>	
<del>Lori K.</del>	<del>F</del>	<del>11 12 79</del>	<del>Daug</del>	
<del>Jennifer D.</del>	<del>F</del>	<del>9 21 84</del>	<del>Daug</del>	

Do you, your spouse, or dependents have any other health care coverage? <input type="checkbox"/> Yes <input type="checkbox"/> No	OTHER HEALTH COVERAGE INFORMATION If "YES", LIST BELOW WHO IS COVERED, THEIR RELATIONSHIP, AND THE NAME OF OTHER INSURANCE COMPANY			
NAME	RELATIONSHIP	INSURANCE COMPANY		
First Initial Last				
Spouse employed by (Employer's name and address).				
Is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No				

I WISH TO APPLY FOR ALL COVERAGES EXCEPT THOSE WAIVED ABOVE. I AUTHORIZE DEDUCTIONS, IF ANY, FROM MY COMPENSATION FOR MY SHARE OF THE COST OF THE COVERAGES TO WHICH I BECOME ENTITLED UNDER THE GROUP POLICY OR POLICIES OF MY EMPLOYER.

I UNDERSTAND THAT IF I DESIRE TO OBTAIN ANY COVERAGE(S) I HAVE WAIVED, MY PLAN MAY RESTRICT OR PROHIBIT ME FROM OBTAINING COVERAGE AS A LATE ENROLLEE. FEDERAL REGULATION PERMITS LATE ENROLLMENT TO BE LIMITED TO INVOLUNTARY LOSS OF OTHER COVERAGE OR TO THE ADDITION OF A SPOUSE, NEWBORN CHILD OR ADOPTED CHILD. AS A LATE ENROLLEE, I MAY BE SUBJECT TO A LONGER PRE-EXISTING CONDITION EXCLUSION PERIOD AND I MAY BE REQUIRED TO FURNISH EVIDENCE OF INSURABILITY SATISFACTORY TO AND APPROVED BY THE PLAN SPONSOR, AND/ OR BE SUBJECT TO ANY OTHER PROVISIONS WHICH MAY APPLY.

*E. Lacey*  
EMPLOYEE SIGNATURE

8/2/99  
DATE

Lacey v. City of Auburn  
0217

Sun Life Assurance  
Company of Canada

## Group Enrollment Form

Group Policy #

28439

Company Name <b>City Of Auburn</b>		Employee's Full Legal Name (Last, First, M.I.) <b>Lacey, Norman E.</b>		Date of Birth <b>8-10-48</b>	Social Security No. <b>418-66-0892</b>
Gender <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Marital Status <b>M</b>	Date of Employment/Rehire <b>8-2-99</b>	Occupation (Title) <b>Plant Operator</b>	Current Active Employment Type Full Time <input checked="" type="checkbox"/> Part Time <input type="checkbox"/>	Basic Monthly Earnings <b>\$1841</b>

You must elect or refuse insurance coverage below within 31 days of your date of eligibility by placing a check mark in the appropriate box. All of the insurance coverage listed below may not be available to you; check with your employer.

Your employer will tell you which benefits are available:

- |                                |                                                                    |
|--------------------------------|--------------------------------------------------------------------|
| Basic Life coverage            | <input type="checkbox"/> I Elect <input type="checkbox"/> I Refuse |
| AD&D coverage                  | <input type="checkbox"/> I Elect <input type="checkbox"/> I Refuse |
| Dependent Life coverage        | <input type="checkbox"/> I Elect <input type="checkbox"/> I Refuse |
| Short Term Disability coverage | <input type="checkbox"/> I Elect <input type="checkbox"/> I Refuse |
| Long Term Disability coverage  | <input type="checkbox"/> I Elect <input type="checkbox"/> I Refuse |

## Optional Life coverage

If available, use the *Sun Life Optional Life Enrollment Form* to elect or refuse Optional Life coverage. This form is also used to designate beneficiaries for Optional Life coverage.

See your employer for details.

**Beneficiary designation for Life Insurance ONLY** — See instructions on cover page. On the lines directly below, list the individual(s) that you want to receive proceeds in the event of your death. You may specify as many individuals as you would like, but the total proceeds must equal 100%. This is your primary beneficiary. Attach additional pages if necessary.

<u>Primary Beneficiary(ies): (Last, First, M.I.)</u>	<u>Relationship to employee</u>	<u>Percent share of proceeds (must equal 100%)</u>
JENNIFER LACEY, TENNILLE D.	DAUGHTER	100 % 100
		%
		%
		% =100%

On these lines directly below, list the individual(s) who should receive proceeds ONLY if ALL of the individuals listed above are not living at the time of your death. This is your secondary or contingent beneficiary. They are not paid if anyone listed above is alive when you die. Attach additional pages if needed.

<u>Secondary Beneficiary(ies): (Last, First, M.I.)</u>	<u>Relationship to employee</u>	<u>Percent share of proceeds (must equal 100%)</u>
		%
		%
		%
		% =100%

**NOTE:** Medical Evidence of Insurability will be required for any employee who applies for coverage more than 31 days past his/her eligibility date and later requests to be covered. Medical Evidence of Insurability is obtained at the employee's expense.

**FRAUD WARNING:** Please read the fraud warning on the reverse side of this form.

By signing below, you are verifying that the information you have provided is true and correct, and that you have read and understand the fraud warning on the reverse side.

Lacey v. City of Auburn

0210

Today's Date

You must sign and date this form to become covered.

SF 12/6/45

White Copy: Employer keeps with employee records

Yellow Copy: Employee keeps

3/98 SLPC 3830

# ENROLLMENT FORM

## MEMBER INFORMATION RECORD

Employees' Retirement System of Alabama  
P. O. Box 302150 • Montgomery, Alabama 36130-2150  
(334) 832-4140 or 1-800-214-2158  
Web site: [www.ers.state.al.us](http://www.ers.state.al.us)

**FOR EMPLOYEES' RETIREMENT SYSTEM USE ONLY**

Comments:

**Check One:** New Member Transfer from another ERS Agency**Please Print; No Initials**

Name: Lacey Last      Norman First      Eibile Middle Given       Maiden

Social Security Number: 418 - 66 - 2239 Sex:  Male      Status:  Married       Widowed  
 Female       Single       Divorced

Date of Birth: 8 / 10 / 48 Address: 5508 110th Avenue City: Valley State: AL Zip: 360854  
 Street or P. O. Box

Name of Spouse: \_\_\_\_\_ Spouse's Date of Birth: / /  
 Last      First      Middle Given

Classification or title of position or elected office you hold: Water Plant Operator

Employing Agency: City of Auburn Section or Division: Water Board

Are you an Elected Official?

 Yes       No

Have you ever been employed by any agency of public education in Alabama?

 Yes       No

Have you ever been a member of the Employees' Retirement System of Alabama?

 Yes       No

Were you a member before beginning employment with your current employer?

 Yes       No

Have you ever withdrawn contributions from the Retirement Systems?

 Yes       No

If you answered yes to any of the preceding four questions, please provide the information requested below, listing most recent employment first.

Employing Agency	City	Year	Under What Name	Date Terminated

I certify that I am not presently a contributing member of any other state supported retirement plan in Alabama and have completed to the best of my knowledge and belief all statements and answers printed herein.

Signature of Member: R. E. L. Date: 3/4/2005

**TO BE COMPLETED BY EMPLOYING AGENCY**

Employing Agency: City of Auburn

Date of Employment: 8/2/99 Annual Salary: \$30,943.00

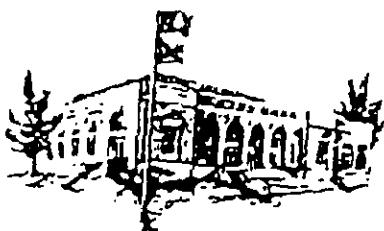
Number of Pay Periods Per Year: 26 Employment Status (full-time, ½ time, ¼ time, etc.) Full Time

Employer Signature: Michele T. Wren Date Submitted: 3/4/05

Title: Riley's Biscuits Inc. 7/21/02

Lacey V. City of Auburn  
0133

# EXHIBIT 7



## City of Auburn

Home of Auburn University

### CURRENT JOB VACANCIES

As of January 9, 2006

THIS IS IN ADDITION TO THE  
JANUARY 2006 VACANCY ANNOUNCEMENT

### HUMAN RESOURCES DEPARTMENT

Applicants have the responsibility of being familiar with the job specifications and/or job requirements. Applications will only be accepted for current vacancies. For updated job opportunities, call the City of Auburn Job Line at (334) 501-7250 or visit our website at [www.auburnalabama.org](http://www.auburnalabama.org).

Current City employees may apply directly to the Human Resources Department.

Applicants must apply through the Alabama State Employment Service, 2300 Frederick Road, Opelika, Alabama, 36801... (334) 749-5065.

Pay ranges shown indicate starting pay dependent on qualifications.

Current positions and closing application dates are:

**Director of Industrial Recruitment** Open until filled  
(Regular/Full-time, Monthly Salary Up to \$7,083.33 Depending on Qualifications)

**Water Distribution Manager** Open until filled  
(Regular/Full-time, \$3,585.06 – 4,280.75/Month)

**Utility Billing Specialist** Open until filled  
(Regular/Full-time, \$2,414.98 – 2,883.62/Month)

Class specifications for these positions are posted for your review at the Alabama State Employment Service or the Human Resources Department. The City of Auburn is an equal opportunity employer. We provide equal opportunity and equal treatment without regard to race, religion, sex, national origin, citizenship, age or disability. Minorities and women are encouraged to apply. Accommodation considered. The City of Auburn is a smoke-free environment.

All applicants tentatively selected for this position will be required to submit to a drug screen for illegal drug use and a background investigation prior to appointment. Final appointment to the position is contingent upon a negative drug test result and an acceptable background investigation.

*Stephanie L. King*

Human Resources Generalist

Lacey v. City of Auburn

0035

# EXHIBIT 8

# OPELIKA-AUBURN NEWS

SUNDAY, JANUARY 22, 2006



## City of Auburn

The City of Auburn is currently accepting applications for the following regular, full-time positions. Starting pay or pay ranges are listed below:

Plan Review Coordinator-Public Works (\$4,368.04-  
5,215.67/Month)

Water Distribution Manager (\$3,585.06- 4,280.75/Month)

The City of Auburn provides an excellent benefits package.

Applicants may apply through the Alabama State Employment Office. For more information about these vacant positions, please contact the Employment Office at 749-5065.

The City of Auburn is an equal opportunity employer and a drug-free workplace.

# EXHIBIT 9

**CITY OF AUBURN  
EMPLOYMENT APPLICATION**  
PRINT IN INK OR TYPE COMPLETE CAREFULLY & IN FULL  
RESUME MAY BE ATTACHED, BUT WILL NOT SUBSTITUTE FOR COMPLETION OF APPLICATION



The City of Auburn is an Equal Opportunity Employer. It is our policy to provide equal employment opportunities for all individuals without regard to race, sex, age, religion, color, national origin, disability, or veteran status.

NAME (Last) <b>LACEY, NORMAN EUGENE</b> (First)			(Middle)	SOCIAL SECURITY NO <b>418-66 2239</b>
Any other name, such as nicknames, maiden name, or assumed name, needed to verify the contents of this application			HOME PHONE <b>(334) 756-7796</b>	
ADDRESS (Number and Street) <b>5508 16th AVENUE</b>			ALTERNATE PHONE <b>( )</b>	
CITY <b>VALLEY, AL</b>	STATE <b>36354</b>	ZIP CODE	E-MAIL ADDRESS <b>nlacey@auburnula.bmoc.org</b>	
POSITION DESIRED <b>WATER DISTRIBUTION MANAGER</b>			TYPE OF EMPLOYMENT PREFERRED (please check only one)	
Have you reviewed the job description? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			<input checked="" type="checkbox"/> Regular/Full-Time	<input type="checkbox"/> Regular/Part-Time
Have you been previously employed with the City of Auburn? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list the dates of employment _____			<input type="checkbox"/> Temporary/Full-Time <input type="checkbox"/> Temporary/Part-Time	
Title <b>CHIEF OPERATOR</b>		Department <b>WATER RESOURCE MANAGER</b>	Who was your supervisor? <b>RICH McCARTY</b>	

EDUCATION	Circle Year Completed	Major	Are you currently enrolled?	Degree Obtained
High School <b>ULVOR HIGH, RICHARD, ALABAMA</b>	Fr So Jr Sr GED	GENERAL STUDIES	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	HIGH SCHOOL DIPLOMA
Junior College <b>FAULKNER STATE COMMUNITY COLLEGE</b>	Fr So Jr Sr	ENVIRONMENTAL STUDIES	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	ASSOCIATE DEGREE
College <b>UNIVERSITY OF SOUTH ALABAMA</b>	Fr So Jr Sr	CIVIL ENGINEERING	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	NONE
Graduate or Vocational School			Yes <input type="checkbox"/> No <input type="checkbox"/>	

EMPLOYMENT HISTORY - List entire employment history, starting with your present employer (attach additional sheets if necessary)				
Company Name: <b>AUBURN WATER WORKS</b>	Position: <b>CHIEF OPERATOR</b>	From: <b>APR 1, 1999</b>	To: <b>PRESENT</b>	Last Pay Rate <b>\$16.98/hr</b>
Address <b>1501 W SHAFER RD</b>	Supervisor's name: <b>RICH MCCARTY</b>	Hours Per Week <b>40</b>		
City / State / Zip <b>AUBURN AL 36871</b>	Date Employed	Reason for Leaving <b>N/A</b>		
Phone # <b>334-502-7005</b>				
Company Name: <b>PROFESSIONAL SERVICES GROUP</b>	Position: <b>PROJECT MANAGER</b>	From: <b>FEB, 1995</b>	To: <b>FEB, 1999</b>	Last Pay Rate <b>\$45,000/yr</b>
Address: <b>34950 HEATHROW POINT PKY, SUITE 201</b>	Supervisor's name: <b>JEFF BLACKWELL</b>	Hours Per Week <b>40</b>		
City / State / Zip: <b>MESHLIN, TX 77032</b>	Date Employed	Reason for Leaving <b>PROJECT CLOSING</b>		
Phone # <b>713-449-1560</b>				
Company Name: <b>CITY OF JACKSON ALABAMA</b>	Position: <b>PLANT SUPERINTENDENT</b>	From: <b>JAN, 1990</b>	To: <b>FEB, 1995</b>	Last Pay Rate: <b>\$30,000/yr</b>
Address <b>450, LEE PLACE 37227</b>	Supervisor's name: <b>DAVID DODD</b>	Hours Per Week <b>40</b>		
City / State / Zip: <b>JACKSON AL 36526</b>	Date Employed	Reason for Leaving: <b>SYSTEM WRS PRIVATIZED</b>		
Phone # <b>334-246-2395</b>				
May we contact the employers listed above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If not, please indicate which one(s) you do not want us to contact _____				

Briefly describe major duties of positions previously held and further details of qualifications <b>I HAVE NO EXPERIENCE IN ALL PHASES OF OPERATION OF WATER AND WASTEWATER SYSTEM CONSTRUCTION, OPERATION AND MANAGEMENT. INCLUDING PLANT OPERATION, DISTRIBUTION SYSTEM REPAIR, ACTUAL READINGS, STAFFING AND REPORTING TO REGULATORY AGENCIES.</b>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**PROFESSIONAL REGISTRATION, LICENSES, OR ACCREDITATION**

*GRACE H WATSON LICENSE, GRACE H WASTEWATER LICENSE, MASTER  
PLUMBER & GAS FITTER LICENSE*

**OTHER INFORMATION AND SKILLS** Typing WPM \_\_\_\_\_Microsoft Office Proficiency Level  Beginning Intermediate Advanced Multi-line TelephoneComputer Software Used *MS OFFICE, WORDPERFECT, LOTUS 123*Drivers License Number and State *2537075 ALABAMA*

Shop and Outdoor Equipment Used \_\_\_\_\_

Other Equipment, Skills or Abilities *GENERAL MECHANICAL ABILITIES, SPECIALIZED ELECTRICAL TRAINING*Have you ever been discharged or forced to resign from employment?  Yes  No If yes, give name of employer(s) and reason(s)

*PROFESSIONAL SERVICES GROUP - I WAS TERMINATED IN ANTICIPATION OF THE CLOSING OF THE PROJECT I WAS MANAGING.*

Name of Relative(s) employed by the City of Auburn

*NONE*

Relationship \_\_\_\_\_

*N/A*

Have you ever been convicted of a crime (felony or misdemeanor including DUI) other than minor traffic citations?  Yes  No  
If yes, give details (note A criminal record is not necessarily a bar to employment. Each applicant is considered on an individual basis.)

<b>U.S. MILITARY</b>	Branch of Service <i>US ARMY</i>	Dates From <i>5/1/98 To 10/1/00</i>	Rank <i>1ST LIEUTENANT</i>
Describe any training that you feel is relevant	<i>LEADERSHIP TRAINING</i>	Type of Discharge	<i>HONORABLE</i>

Are you prevented from lawfully becoming employed in this country because of VISA or immigration status?  Yes  No  
Proof of citizenship or immigration status will be required upon employment

**Applicant's Agreement:**

I hereby state that the information given by me on this form and in any interview is certified to be true and complete. I understand that this information is subject to verification, and that if this information is later found to be untrue, incomplete, or misrepresented in any way, this will be cause for rejection of my application or, if already employed, for immediate dismissal. I also understand the the City of Auburn may investigate my driving record and my criminal record, and that a background investigation, including a credit check, may be prepared whereby information is obtained through personal interviews with my neighbors, friends, and others with whom I am acquainted. This inquiry includes information as to my character, general reputation, and personal characteristics. I understand that I have the right to make a written request within a reasonable period of time to receive additional detailed information about the nature and scope of this investigation. I understand that the City of Auburn reserves the right to require me to submit to a medical examination, including a drug/alcohol test, prior to employment and at any time during employment to the extent permitted by law. I understand that the Employer's acceptance of this application does not indicate there are any positions open and does not in any way obligate the City of Auburn. Job applicants are required to submit to drug testing at or near the final stage of the hiring process. Any offer of employment will be conditional upon a negative drug test result. I understand that anything brought to or removed from the premises of the City of Auburn is subject to search at the City's election and I consent to such search. Specifically, I authorize the City, in its discretion, to search my desk, locker, or other areas for contraband in such circumstances when the City deems such search necessary or appropriate.

I understand that this application will be given every consideration, but it is not a promise of employment. I further understand that if I am hired my employment will be for no definite period, regardless of the period of payment of my wages. I understand that I have the right to terminate my employment at any time, with or without notice, and the City of Auburn has the same right. No one other than the City Manager of the City of Auburn has the authority to modify this relationship or to make any agreement to the contrary. Any such modification or agreement must be in writing.

**Applicant's Release:**

I hereby authorize any prior employers to provide such information concerning my employment with them as may be requested, and also authorize the Registrar's or Placement Office of all educational institutions attended to release an official copy of my transcript if requested. In addition, I authorize any law enforcement jurisdiction to release any information requested regarding my background to the City of Auburn.

**Selective Service Certification:**

I certify that I comply with the provisions of the United States Military Service Act (50 U.S.C. App 453) by having registered with the Selective Board or that I am not required by law to register.

APPLICANT'S SIGNATURE *Ron E. Lacy*DATE *1/11/06***DO NOT WRITE BELOW THIS LINE**

TEST RESULTS \_\_\_\_\_

Human Resource  
Manag. Dept.

-ADDITIONAL EMPLOYMENT HISTORY

Mobile County Water, Sewer & Fire Protection Authority  
Highway 90 West  
Theodore, Alabama 36652  
334-653-7346

Position: General Manager  
Worked directly under the appointed Water Board.  
Employed from May, 1984 to December, 1990  
Last Pay: \$35,000/ yr  
Regular, full time salaried position  
Left after an injury that wasn't work related caused an extended absence.

Lake Forest Utilities  
Highway 98,  
Daphne, AL 36626  
334-626-2676

Position: Utility Superintendent  
Supervisor: Cleve Henderson  
Employed January, 1979 to May, 1984  
Last Pay: \$24,000 /yr  
Regular, full time, salaried position  
Left because this privately owned system was being sold to the City of Daphne

City of Saraland, Alabama  
Highway 43, North  
Saraland, Alabama 36675  
3344-675-5301

Position: Wastewater Superintendent  
Supervisor: William Mann  
Last Pay: \$18,000/yr  
Regular, full time, hourly position  
Left because of a better job offer.

Mobile Water Service System  
Cathern Street  
Mobile, AL 36601  
334-456-3756

Position: Operator  
Supervisor: John von Spreckin  
Last Pay: \$14, 000/yr  
Regular, full time hourly position  
Left for a supervisory position.

# EXHIBIT 10

## City of Auburn

JOB TITLE: Chief Operator

WS/8

DEPARTMENT: Water Resource Management

FLSA Designation: Non-exempt

PAY GRADE: 16

EFFECTIVE DATE: June 1, 2004

JOB SUMMARY: This position is responsible for the operation of the water treatment plant.

### MAJOR DUTIES:

- o Serves as the water treatment plant's lead operator.
- o Operates treatment plant machines and equipment to purify and clarify water for human consumption and industrial use.
- o Collects water samples from the plant and distribution system; performs chemical, physical, and bacteriological tests to ensure water quality; submits samples for testing as required by state agencies.
- o Determines and adds specified amounts of chemicals such as chlorine to disinfect, deodorize, and clarify water.
- o Maintains the efficiency of plant and laboratory operations, including maintenance of equipment, pumps, filters, and machinery, testing, quality control, and record-keeping procedures.
- o Performs routine and emergency equipment maintenance and repairs.
- o Performs minor repairs, operations adjustments, and preventive maintenance on plant equipment as needed.
- o May serve in the absence of the Water Plant Supervisor.
- o Performs other related duties as assigned.

### KNOWLEDGE REQUIRED BY THE POSITION:

- o Knowledge of water system operations.

Chief Operator, Water and Sewer

Page 2

- o Knowledge of the handling and application of the chemicals necessary to maintain a safe water supply.
- o Knowledge of water treatment plant operations.
- o Knowledge of laboratory procedures.
- o Skill in basic chemistry, mathematics, and biology.
- o Skill in maintaining and repairing water treatment plant equipment.
- o Skill in performing standard laboratory-related mathematical calculations.
- o Skill in the use of water analysis equipment, meters, and gauges.
- o Skill in oral and written communication.

**SUPERVISORY CONTROLS:** The Water Plant Supervisor assigns work in terms of general instructions. The supervisor spot-checks completed work for compliance with procedures, accuracy, and the nature and propriety of the final results.

**GUIDELINES:** Guidelines include relevant state and federal regulations and drinking water guidelines, plant operations policies, department policies and procedures, and standard laboratory practices. These guidelines require judgment, selection, and interpretation in application.

**COMPLEXITY:** The work consists of varied mechanical and technical duties. Mechanical failures and changes in water quality contribute to the complexity of the work.

**SCOPE AND EFFECT:** The purpose of this position is to assist in the operation of the water treatment plant. Successful performance helps ensure a safe water supply.

**PERSONAL CONTACTS:** Contacts are typically with co-workers, state agency personnel, engineers, customers, vendors, suppliers, plant visitors, and the general public.

**PURPOSE OF CONTACTS:** Contacts are typically to give or exchange information, resolve problems and provide services.

**PHYSICAL DEMANDS:** The work is typically performed while sitting at a desk or table, standing, walking, bending, crouching, or stooping. The employee lifts light and heavy objects, uses tools or equipment requiring a high degree of dexterity, climbs ladders, and must be able to distinguish between shades of color.

# EXHIBIT 11

## Water Resource Management Department

## Applicant Evaluation Summary

Name of Applicant:	Norman Lacey	Date:	3-16-06
Position Applied for:	Water Distribution Manager	Reviewer:	Scott Cummings

Does the applicant satisfy the minimum criteria described in the job description? Yes

If not, describe what criteria, if any, would qualify the individual based on their qualifications versus the job description.

---



---



---

List aspects that are positive concerning the applicant's application/resume.

- many years experience in the water / wastewater utility business

List aspects that are negative concerning the applicant's application/resume.

- Does not appear to have experience dealing w/ public, scheduling resources, and managing budgets.

Interview? \_\_\_\_\_ Type: phone/individual/panel (circle all applicable)

List the interview team:

Comments from the interview concerning the applicant's capabilities

- seems to be very orderly & may have difficulty handling the fast paced & sometimes stressful conditions
- left a 11:30 on the interview team w/ uneasy feeling that he could handle the job.
- failed to demonstrate any initiative or motivation for the job
- Never talked to me or supervisor about job.

Is this individual the right person for the position? No

Why/Why Not? See notes. / Appears to be methodical but did not exhibit ability to lead Auburn into future.

- Talked w/ current supervisor about my issues & he could not offer any reason to think otherwise.

Lacey v. City of Auburn  
0061

# EXHIBIT 12

## Water Resource Management Department

## Applicant Evaluation Summary

Name of Applicant:	Kyle Heldreth	Date:	3-16-06
Position Applied for:	Water Distribution Manager	Reviewer:	Scott Cummings

Does the applicant satisfy the minimum criteria described in the job description? ~~Yes~~ \*

If not, describe what criteria, if any, would qualify the individual based on their qualifications versus the job description.

\* Satisfies management and education but no experience with water or utility work

List aspects that are positive concerning the applicant's application/resume.

- Supervises staff and operations
- Manages under stressfull situations
- Customer service experience
- Business Management Degree
- Budget Management

List aspects that are negative concerning the applicant's application/resume.

- No water system experience

Interview?

Type: phone/individual/panel (circle all applicable)

List the interview team:

Lacey v City of Auburn  
0057

Comments from the interview concerning the applicant's capabilities.

- Most liked by all 7 participants of interview team
- Dealt best answers for management and supervision
- Good response to learning operations and developing relationships w/ staff
- Demonstrates excellent customer service skills/potential

Is this individual the right person for the position? Yes

Why/Why Not? See Above

\* 2 staff on interview team stated they would work w/ someone to learn the system and our operations if it is a good leader and they agreed that

# EXHIBIT 13

**CITY OF AUBURN  
EMPLOYMENT APPLICATION**

 PRINT IN INK OR TYPE. COMPLETE CAREFULLY & IN FULL.  
 RESUME MAY BE ATTACHED BUT WILL NOT SUBSTITUTE FOR COMPLETION OF APPLICATION


The City of Auburn is an Equal Opportunity Employer. It is our policy to provide equal employment opportunities for all individuals without regard to race, sex, age, religion, color, national origin, disability, or veteran status.

NAME (Last) <b>Hildreth</b>	(First) <b>Kyle</b>	(Middle) <b>Russell</b>	SOCIAL SECURITY NO. <b>419-96-0290</b>
Any other name, such as nicknames, maiden name, or assumed name, needed to verify the contents of this application.			HOME PHONE (334) 887-6682
ADDRESS (Number and Street) <b>1109 E. Samford Ave.</b>		ALTERNATE PHONE ( )	
CITY <b>Auburn</b>	STATE <b>AL</b>	ZIP CODE <b>36830</b>	E-MAIL ADDRESS <b>h.hildreth6@netzero.net</b>
POSITION DESIRED <b>Water Distribution Manager</b>		TYPE OF EMPLOYMENT PREFERRED (please check only one)	
Have you reviewed the job description? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Regular/Full-Time	<input type="checkbox"/> Regular/Part-Time
Have you been previously employed with the City of Auburn? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list the dates of employment _____		<input type="checkbox"/> Temporary/Full-Time <input checked="" type="checkbox"/> Temporary/Part-Time	
Title _____	Department _____	Who was your supervisor? _____	

EDUCATION	Circle Year Completed	Major	Are you currently enrolled?	Degree Obtained
High School <b>Auburn High</b>	Fr. So. Jr. Sp GED		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Junior College <b>Southern Union</b>	Fr. So. Jr. Sr.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
College <b>Auburn University</b>	Fr. So. Jr. Sp	<b>Business Management</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>B.S.</b>
Graduate or Vocational School			Yes <input type="checkbox"/> No <input type="checkbox"/>	

EMPLOYMENT HISTORY - List entire employment history, starting with your present employer (attach additional sheets if necessary).				
Company Name: <b>Twin City Concrete</b>	Position: <b>Plant Manager</b>	From: <b>August 1988</b>	To: <b>Present</b>	Last Pay Rate: <b>\$4313 / mo.</b>
Address: <b>214 Twin City Ct.</b>	Supervisor's name: <b>Charles Bell</b>	Hours Per Week: <b>50-70</b>		
City / State / Zip: <b>Auburn, AL 36830</b>	Date Employee: <b>8/88</b>	Reason for Leaving: _____		
Phone #: <b>334-821-3363</b>				
Company Name: <b>J&amp;M Bulkstore</b>	Position: <b>Stock Clerk</b>	From: <b>August 1980</b>	To: <b>November 1987</b>	Last Pay Rate: <b>\$5.50 / hr.</b>
Address: <b>115 S. College St.</b>	Supervisor's name: <b>Wynona Hildreth</b>	Hours Per Week: <b>30-45</b>		
City / State / Zip: <b>Auburn, AL 36830</b>	Date Employee: <b>8/80</b>	Reason for Leaving: <b>School</b>		
Phone #: <b>334-887-7007</b>				
Company Name: _____	Position: _____	Last Pay Rate: _____		
Address: _____	Supervisor's name: _____	Hours Per Week: _____		
City / State / Zip: _____	From: _____	Reason for Leaving: _____		
Phone #: _____	To: _____			
May we contact the employers listed above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If not, please indicate which one(s) you do not want us to contact _____				

Briefly describe major duties of positions previously held and further details of qualifications. **Daily operations of company; order and schedule delivery of materials and maintain inventory; schedule start times and supervise 18-20 employees; receive orders and prioritize delivery of shipments; work with customers to ensure satisfaction; maintain quality control; assist in processing payroll.**

**PROFESSIONAL REGISTRATION, LICENSES, OR ACCREDITATION****OTHER INFORMATION AND SKILLS**

Typing WPM \_\_\_\_\_ Microsoft Office Proficiency Level:  Beginning  Intermediate  Advanced

Multi-line Telephone Computer Software Used Word, Excel

Drivers License Number and State: 4862978 Alabama

Shop and Outdoor Equipment Used: Front End Loader

Other Equipment, Skills or Aptitudes:

Have you ever been discharged or forced to resign from employment?  Yes  No If yes, give name of employer(s) and reason(s) \_\_\_\_\_

Name of Relative(s) employed by the City of Auburn.

Relationship \_\_\_\_\_

Have you ever been convicted of a crime (felony or misdemeanor including DUI) other than minor traffic citations?  Yes  No  
If yes, give details (note: A criminal record is not necessarily a bar to employment. Each applicant is considered on an individual basis.)

U.S. MILITARY	Branch of Service	Dates From	To	Rank
Describe any training that you feel is relevant:		Type of Discharge:		

Are you prevented from lawfully becoming employed in this country because of VISA or immigration status?  Yes  No  
Proof of citizenship or immigration status will be required upon employment.

**Applicant's Agreement:**

I hereby state that the information given by me on this form and in any interview is certified to be true and complete. I understand that this information is subject to verification, and that if this information is later found to be untrue, incomplete, or misrepresented in any way, this will be cause for rejection of my application or, if already employed, for immediate dismissal. I also understand the the City of Auburn may investigate my driving record and my criminal record, and that a background investigation, including a credit check, may be prepared whereby information is obtained through personal interviews with my neighbors, friends, and others with whom I am acquainted. This inquiry includes information as to my character, general reputation, and personal characteristics. I understand that I have the right to make a written request within a reasonable period of time to receive additional detailed information about the nature and scope of this investigation. I understand that the City of Auburn reserves the right to require me to submit to a medical examination, including a drug/alcohol test, prior to employment and at any time during employment to the extent permitted by law. I understand that the Employer's acceptance of this application does not indicate there are any positions open and does not in any way obligate the City of Auburn. Job applicants are required to submit to drug testing at or near the final stage of the hiring process. Any offer of employment will be conditional upon a negative drug test result. I understand that anything brought to or removed from the premises of the City of Auburn is subject to search at the City's election and I consent to such search. Specifically, I authorize the City, in its discretion, to search my desk, locker, or other areas for contraband in such circumstances when the City deems such search necessary or appropriate.

I understand that this application will be given every consideration, but it is not a promise of employment. I further understand that if I am hired my employment will be for no definite period, regardless of the period of payment of my wages. I understand that I have the right to terminate my employment at any time, with or without notice, and the City of Auburn has the same right. No one other than the City Manager of the City of Auburn has the authority to modify this relationship or to make any agreement to the contrary. Any such modification or agreement must be in writing.

**Applicant's Release:**

I hereby authorize any prior employers to provide such information concerning my employment with them as may be requested, and also authorize the Registrar's or Placement Office of all educational institutions attended to release an official copy of my transcript if requested. In addition, I authorize any law enforcement jurisdiction to release any information requested regarding my background to the City of Auburn.

**Selective Service Certification:**

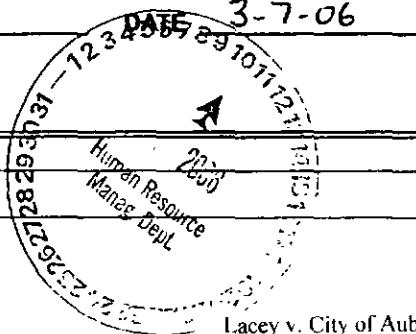
I certify that I comply with the provisions of the United States Military Service Act (50 U.S.C. App 453) by having registered with the Selective Board or that I am not required by law to register.

**APPLICANT'S SIGNATURE** Kyle R. Hildreth

3-7-06

**DO NOT WRITE BELOW THIS LINE**

TEST RESULTS \_\_\_\_\_



Lacey v. City of Auburn  
0055

# EXHIBIT 14



Address: \_\_\_\_\_

550A 11th Avenue

Valley, AL 360854

SS # 419-66-2239

TO: Personnel File

FROM: MichelleDATE: 7/20/06

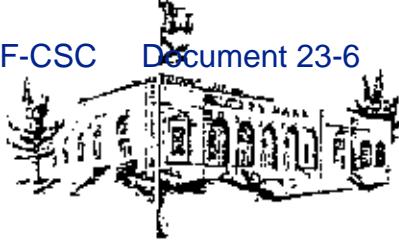
RE: In-house Termination Checklist

Norman LaceyEmployee # 4735 Status  RF  RP

Employee Name

P.A. on exiting employee is received and completed Employee personnel and medical folder pulled \* Separation pay is computed with unused annual/sick leave and balanced by HRM Notification to dental insurance company  Single  Family  CafeteriaNotification to medical insurance company  Single  Family  CafeteriaCOBRA form has been sent to employee SIC termination form has been completed and mailed to SIC Retirement form has been sent to employee Benefit Elect termination form has been completed and mailed to Benefit Elect Unreimbursed medical option balance has been checked if applicable Deferred compensation program forms have been mailed and Finance notified of terminating employee Exit interview form and letter has been completed and mailed Heidi notified if employee has garnishments Tuition reimbursement has been checked Final paycheck will be given to department or mailed on 8/1/06

# EXHIBIT 15



## City of Auburn

Home of Auburn University

July 20, 2006

Certified Mail

Norman Lacey  
5508 16<sup>th</sup> Avenue  
Valley, AL 36854

Dear Norman,

Please find enclosed several items, which need your attention.

Request For Refund form for RSA. It is very important that you finish completing this form in **BLACK INK** and mail to the address listed at the top of the form.

Application for Continuation of Coverage with BlueCross BlueShield of Alabama. Your medical insurance terminates on 09/01/06; therefore, you have sixty (60) days from that date to apply for COBRA. Please read the General Notice of COBRA Continuation Coverage Rights, then complete the COBRA Continuation Coverage Election Form and return to me.

When you terminate with the City, you have the option of converting your life insurance, which was a benefit the City paid for you, over to an individual policy. If you are interested in converting your policy please call me at 334-501-7244, and I will send you the necessary information.

Just a reminder, if you are moving, please notify us of your new address so that you may receive your W-2 for the current year in a timely manner.

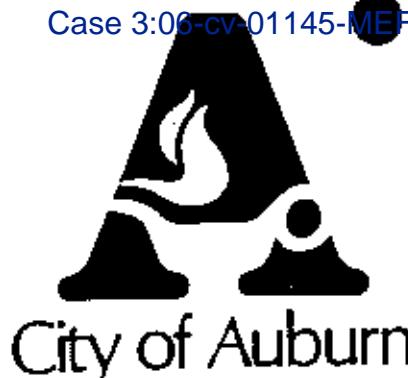
If I can be of any other assistance, please feel free to call me.

Sincerely,

Michelle Lee Wall  
Payroll & Benefits Coordinator

Lacey v. City of Auburn  
0090

# EXHIBIT 16



HOME OF AUBURN UNIVERSITY

**EMPLOYMENT AT-WILL DISCLAIMER**

I understand the City of Auburn may terminate my employment at any time, with or without cause, and with or without prior notice. I understand that, except by written agreement signed by the City Manager, no department head, employee or other City representative has any authority (a) to promise employment for a particular length of time, or (b) to make any other promises or representations about my future employment with the City of Auburn.

R. E. Lacy  
Signature

8/2/99  
Date

**PHYSICAL EXAMINATION**

I understand the City of Auburn may require me at any time to have a physical examination by a City-authorized physician, fully licensed, to determine if I am able to perform the duties of a specific job in a safe manner.

R. E. Lacy  
Signature

8/2/99  
Date

**CITY EQUIPMENT**

I understand that all records, assets, and all items of the City of Auburn distributed to me during my employment shall be returned to my supervisor or department head.

Any amount due because of a shortage in the above shall be withheld from my final compensation.

R. E. Lacy  
Signature

8/2/99  
Date

Lacey v. City of Auburn  
0123

CORRECTED  
EXHIBIT 10

## City of Auburn

JOB TITLE: Water Distribution Manager

WS/1

DEPARTMENT: Water Resource Management

FLSA Designation: Exempt

PAY GRADE: 20

EFFECTIVE DATE: December 19, 2005

**JOB SUMMARY:** This position is responsible for management of water distribution, meter reading, and water service operations for the City.

### MAJOR DUTIES:

- o Manages all operations of the water distribution system and storage facilities.
- o Manages meter reading, construction, maintenance and service operations for the City water distribution system to ensure high quality service in compliance with applicable requirements.
- o Ensures safe drinking water through compliance with regulatory requirements
- o Develops budget recommendations for assigned area and manages budget following adoption to ensure efficient and proper utilization.
- o Provides customer service and responds to customer complaints.
- o Assists in the review of development plans and ensures that developers and contractors comply with Water Board and City construction standards and requirements; coordinates with City inspectors as necessary.
- o Assists in the coordination of system improvement design with developers, contractors, and consulting engineers.
- o Selects, trains, supervises and evaluates personnel.
- o Promotes employee safety through safety training and adherence to safe work practices.
- o Maintains security of water storage facilities.

Water Distribution Manager, Water and Sewer  
Page 2

- o Coordinates with Warehouse Manager to ensure needed supplies and inventory are available in a timely manner.
- o Attends conferences, workshops and training sessions as directed.
- o Performs other related duties as assigned.

**KNOWLEDGE REQUIRED BY THE POSITION:**

- o Knowledge of local, state, and federal codes, acts, and policies concerning water, wastewater, and water pollution control.
- o Knowledge of water distribution and water treatment operations.
- o Knowledge of water and sewer line construction and maintenance procedures.
- o Knowledge of basic civil engineering and land surveying principles and practices.
- o Knowledge of public administration, municipal accounting, and budget procedures.
- o Knowledge of the principles and practices of water utility business management.
- o Skill in management and supervision of employees.
- o Skill in reading maps, construction plans, and blueprints.
- o Skill in managing water distribution, water treatment, and customer service.
- o Skill in operating such office equipment as a computer and calculator.
- o Skill in interpersonal relations.
- o Skill in oral and written communication.

**SUPERVISORY CONTROLS:** The Director of Water Resource Management assigns work in terms of very general instructions. The supervisor spot-checks completed work for compliance with procedures and the nature and propriety of the final results.

**GUIDELINES:** Guidelines include department policies and procedures, ADEM and EPA guidelines, AWWA standards and Southern Plumbing Code. These guidelines require judgment, selection, and interpretation in application.

Water Distribution Manager, Water and Sewer  
Page 3

**COMPLEXITY:** The work consists of varied management and supervisory duties. The high customer turn over rate contributes to the complexity of the job.

**SCOPE AND EFFECT:** The purpose of this position is to maintain the operation of the City of Auburn water distribution system and supervise meter reading activities. Successful performance ensures that the citizens are provided with safe and efficient water services.

**PERSONAL CONTACTS:** Contacts are typically with regulatory agency personnel, engineers, consultants, manufacturers and suppliers, other City employees, and the general public.

**PURPOSE OF CONTACTS:** Contacts are typically to give or exchange information, resolve problems, provide services, and motivate personnel.

**PHYSICAL DEMANDS:** The work is typically performed while sitting. The employee frequently lifts light and heavy objects and climbs ladders. The employee must use tools requiring a high degree of dexterity and must be able to distinguish between shades of color.

**WORK ENVIRONMENT:** The work is typically performed in an office, stockroom or warehouse. The employee may be exposed to noise, dust, dirt, grease, machinery with moving parts, contagious and infectious diseases and irritating chemicals. Work may be performed outdoors and occasionally in cold or inclement weather and requires the use of protective equipment

**SUPERVISORY AND MANAGEMENT RESPONSIBILITY:** This position has direct supervision over Senior Meter Technician (1), Water Coordinator and (1), and Utility Construction Supervisor (1).

**MINIMUM QUALIFICATIONS:**

- o Knowledge and level of competency commonly associated with the completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education.
- o Experience sufficient to thoroughly understand the work of subordinate positions to be able to answer questions and resolve problems, usually associated with one to three years experience or service.
- o Possession of or ability to readily obtain an appropriate state-certified license for water treatment and distribution as appropriate.